

MARYLAND HISTORICAL MAGAZINE

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WHEN THE OLD MERCY HOSPITAL WAS NEW

By ALEXANDRA LEE LEVIN

WHEN Mercy Hospital admitted the first patient through its new doors on January 2, 1890, a long and involved chapter in Baltimore's history reached a felicitous conclusion. Family papers, preserved for many years by the famous Friedenwald dynasty of Baltimore physicians, trace the intricacies which lay behind the building of the institution then known as the City Hospital.¹

In the autumn of 1884 young Harry Friedenwald, a Johns Hopkins A.B., later a prominent Professor of Ophthalmology at the University of Maryland Medical School, entered upon the study of Medicine at the old College of Physicians and Surgeons. The College, at which his father, Dr. Aaron Friedenwald, held

¹ The Friedenwald Papers are in the possession of Mrs. Julia Friedenwald Potts of Baltimore, Md.

the Chair of Diseases of the Eye and Ear, then shared with the Sisters of Mercy the old City Hospital, located at the northwest corner of Calvert and Saratoga Streets. This building, formerly the Washington University Hospital, had been acquired by the faculty of the College of Physicians and Surgeons in 1879, following financial difficulties suffered by Washington University.² It occupied the southern-most part of the ground on which the new hospital was eventually built, and was bounded on the north by the City Spring, a tiny park where large elms shaded a public drinking fountain. Viewed from the Calvert Street side, it was a three-story building; the Saratoga Street side showed but two and a half stories. The main entrance was halfway up the hill and opened into the second story. Entered from Calvert Street, the ground floor housed the Dispensary. On the second floor was a white male ward and a white female ward; the third floor was given over to a colored male ward, and a room for two resident physicians which Dr. Harry Friedenwald shared, after his graduation, with Dr. William S. Gardner, the other interne. In addition to this space devoted to the Hospital were two amphitheaters, a couple of small laboratories, and an office for the Dean of the College of Physicians and Surgeons, Dr. Thomas Opie. In 1878 the Maryland Woman's Hospital was established in a building immediately adjoining the City Hospital, and under the control of the College of Physicians and Surgeons. The wards communicated by a covered way with the lecture halls so that cases in their beds could be brought before the classes.

During the school term more than 350 students spent the hours daily between 9 A.M. and 2 P.M. in this building. It was in the wards, which held about forty beds, that the Sisters of Mercy cared for the sick and the injured, without nurses or orderlies. A patient who had convalesced sufficiently often acted as an orderly, for not a single nurse had been graduated in Baltimore, although in May of 1880, the College organized a school for nurses and began to send out from the Maternité certified young women who had six months of special training.

The large ward on the second floor, for white men, both medical and surgical cases, was always filled. During Dr. Harry

² Baltimore *Sun*, Mar. 28, 1899.

Friedenwald's residency, and for many years afterward, the Sister in charge of the wards was Sister Veronica. She was on duty from early morning until late in the evening; if a patient had to be admitted during the night, Sister Veronica's bell was rung and she was again on duty in a few minutes. Many of the patients were of an unrefined sort, and were at times rather difficult, but Sister Veronica cared for them all in a kind and sympathetic manner.³

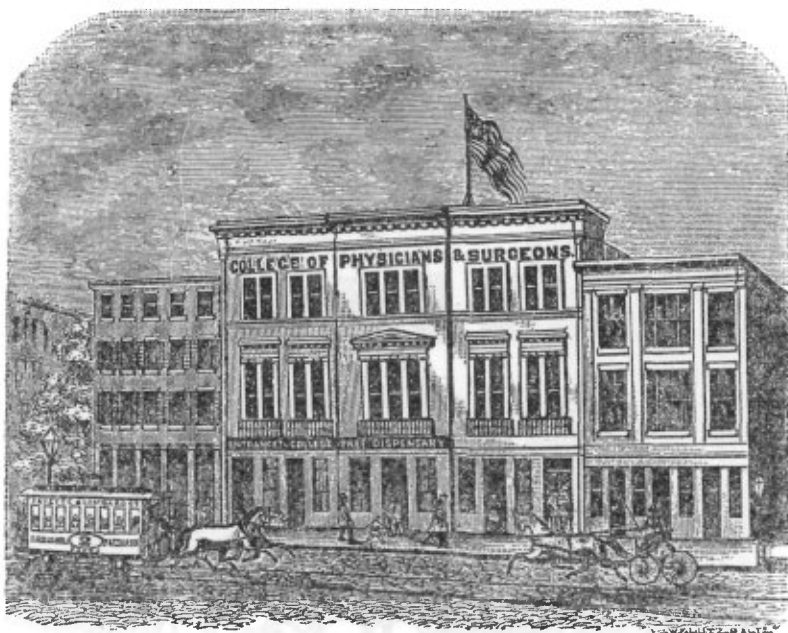


The Maternité Hospital in 1889 conducted by the College. From George W. Howard, *The Monumental City* (Baltimore, 1889), p. 432.

The students of the College of Physicians and Surgeons had unusual opportunities for the practical application of their

³ From "Reminiscing," an address written by Dr. Harry Friedenwald for Alumnae Day at the Mercy Hospital School of Nursing, May 4, 1949. Due to Dr. Harry Friedenwald's illness, his brother, Dr. Edgar Friedenwald, delivered it for him.

medical studies, for the Hospital was located in the heart of the business district, and obtained most of the accident and casualty cases which amounted annually to nearly 20,000 "out" patients. H. L. Mencken, in *Newspaper Days*, mentioned that the young doctors at the City Hospital always had some newsworthy stories for him because they handled such a heavy load of street and factory accidents, plus a fair trade in attempted suicides.



The College, in 1889, from Howard, *Monumental City*, p. 431.

Dr. Aaron Friedenwald held his Professorship at the College for twenty-nine sessions, and took a leading part in its administration. For more than ten years he served as Treasurer of the *Maternité*, the Lying-in hospital established by the faculty on West Lombard Street for charity obstetrical cases; he was Treasurer of the College from 1884 until his death in 1902. As chairman of the executive committee he was very active in advancing the interests of the College, and in improving its

methods and management.⁴ He felt strongly that if the College wanted to be able to compete with the University of Maryland Medical School and with the Johns Hopkins Hospital, which was soon to open, the City Hospital must expand. For this more land was needed, and the acquiring of the City Spring lot, then municipally owned, appeared to be the best solution. The class of respectable citizens which once drank the waters of the City Spring while seeking shade under the beautiful elms had long since moved away. Vagrants and tramps had taken over, and the Spring water, having become impure, was condemned.

Dr. Aaron Friedenwald's sentiments were not shared by all of his colleagues on the faculty, and his efforts to get the City Council to do something constructive with the City Spring lot had come to naught. On August 12, 1885, Dr. Friedenwald wrote to his son Harry who was vacationing in Boston, "We had a directors' meeting of the College last night, when the City Spring lot again became the theme of our deliberations. There was nothing sufficiently definite formulated. I feel the lot would be too high for us at almost any price, but I think if the right spirit can be awakened in the faculty, the matter can be consummated without much trouble."

To her husband's letter, Mrs. Aaron Friedenwald added a few lines, "Papa is anxious to buy the lot at any price and then see how to raise the money; he is sure of success if only the faculty were willing to give up this coming season's income. You know that most of them are entirely too anxious for the money and that they care very little for the future of the College. Papa will write out an accurate statement of expenses and see what can be done."

Harry replied, "So the Spring lot question has come up again! I wish it better success than it had last time—it will be the making of the College. If you can get the proper energy into your sleepy colleagues you may carry it through."

Following his graduation as M.D. from the College of Physicians and Surgeons in 1886, and his year as Resident Physician at the City Hospital, Dr. Harry Friedenwald sailed for three years of advanced medical study in Europe. Letters

⁴ Harry Friedenwald, *Life, Letters and Addresses of Aaron Friedenwald, M.D.* (Baltimore, 1906), p. 110.

from his father kept him advised of City Hospital matters. A verbal agreement had been formed between the faculty of the College and the Sisters of Mercy, headed by Sister Superior M. Benedicta, in which the Sisters said they could raise the necessary funds for the hospital if the faculty could get the lot. The faculty intended to remain in the background, and the lot ostensibly would go to the Sisters. The City Council agreed to give the lot to the Sisters, and Dr. Aaron Friedenwald took up the thread of the story's spinning web at this point.

On April 26, 1887, Dr. Friedenwald wrote to Harry in Berlin, "I read in this morning's paper that at a meeting of Protestant Ministers, fault was found with the action of the City Council in giving the City Spring lot to the Catholic Sisters. A delegation was appointed to wait upon the Mayor and protest this, and urge him not to sign the bill." A week later he again wrote, "The City Council adjourned last night. The Mayor has not published what he is going to do with the City Spring Lot Bill. The case will hold over till September when the Council will meet again; by that time he will have learned as to his chances for a renomination. If he vetoes it then, the Council may pass it over his head, but this is problematical. In the meantime I shall be content, and let the grey hairs that will develop be attributable to other causes."

On that same day, May 3, 1887, Dr. Thomas S. Latimer, formerly a surgeon in the Confederate Army,⁵ and a colleague at the College of Dr. Aaron Friedenwald, inserted an open letter in the *Baltimore American* addressed to the Hon. James Hodges, Mayor of Baltimore:

As one of the Faculty of the College of Physicians and Surgeons, I am in the habit of visiting the City Hospital (under the domestic control of the Sisters of Mercy) almost daily, and can certify that the Sisters make no distinction between Catholics and Protestants; all are welcomed, received and tenderly cared for, and are cheerfully given the right to exercise and have exercised in their behalf any and all ceremonies and rites pertaining to their religion; and if any one desired the service of a Protestant minister, he would be sent for

⁵ James McHenry Howard, *Recollections and Opinions of James McHenry Howard* (Balt., 1922). Thomas Sergeant Latimer enlisted as a private in Ned Dorsey's Co., 1st Maryland Infantry, later was a surgeon.

immediately. At all hours of the day and night injured and sick persons are received from the police and city officials, and they can testify to the truth of the above statement. On the contrary, it could with great propriety be called the Good Samaritan's Hospital, as the Sisters are actuated only by motives of mercy, kindness and charity towards suffering humanity, without distinction of creed. The proposed new hospital, intended to be erected on the lot asked for by the Sisters of Mercy—a body incorporated for works of mercy—will be a great advantage to the people of Baltimore. The deed itself is not an absolute deed, since it is given only on the condition that the work of the Hospital be continued for the sole benefit of the city; and if discontinued, reverts to the city. Respectfully requesting that due consideration be given to this plain statement of facts, I have the honor to be

Your obedient servant
Thomas S. Latimer
1213 Eutaw Place

On May 18th Dr. Aaron Friedenwald wrote to Harry:

The Mayor still remains silent on the subject of the Spring lot. A number of Protestant ministers have presented a protest which they widely circulated and got attached to it almost 2000 names. What effect this will have I do not know. Sister M. Benedicta has published a long letter in all the daily papers addressed to the Mayor. Cardinal Gibbons is expected back in the city on June 5th. If things have not come to a climax by that time he is expected to aid the course with a little of his infallibility. The Mayor has lately turned his eyes upwards and his hopes have lit upon the Governorship. He realizes that he cannot fly there without wings. If in his extreme vanity he thinks he can reach Annapolis without first going to Rome, he will solemnly announce that other than holy water shall continue to flow from the Spring lot. He may rush into the arms of the Cardinal when he returns and implore him for his paternally political benediction, or he may recommend that the lot shall be devoted exclusively to the use of open air exercises for the Salvation Army. In the meantime Mayor 'Jaimie' is consulting the political probabilities: one day is fair, the other predicts storms. He has not as yet finished his equation and therefore relies upon evasion to steer temporarily between affirmation and negation.

Harry commented from Berlin, "How much a few men can manage to do—stir up to the lowest depths the City Council,

worry the Mayor, and finally get up a little 19th Century Reformation War!"

Young Dr. Harry Friedenwald, imbued as he was with the new medical practices he was learning in Berlin under the famous doctors, Schweigger, Bergmann and Virchow, expressed his ideas on the subject of the hoped-for new City Hospital. "If you get the Spring lot," he wrote to his father, "and if you succeed in building a new Hospital, new not only in bricks and mortar but in hygienic arrangements and in modern appointments, you will have something which will do you and Baltimore good. But there are a few things that should be changed. The long-practiced custom of performing autopsies in the same room and at the same place where capital operations are made is not only not right, but is an offence which I cannot look upon otherwise than as the grossest violation of all modern teachings, all modern surgery, and an offence which if not punished by law is surely one by which a conscience would be deeply stung. Baltimore is, it is true, quite a backwards sort of town in regard to all innovations . . . You need an operating room where aseptic operations can be performed, *aber leider*, alas! You need a surgeon, too, who can perform a modern operation."⁶

Matters fell into abeyance over the summer, but on September 15, 1887, Dr. Aaron Friedenwald informed Harry:

I read in this morning's paper that the City Council met last night and that the Sisters of Mercy petitioned the Council to *lease* the City Spring Lot for the erection of an emergency hospital at a ground rent of \$900. Yesterday being my Clinic day, I met Drs. Opie, Latimer, Gundry, Coskery, and Bevan in the Faculty Room. They all seemed to be considerably excited as to the fate of the Spring Lot Bill which was passed by the Council at its last session. Mayor Hodges has neither signed nor vetoed it; in case he continues business for over four or five days of the time that the Council is in session, it becomes law. If the Council adjourns in a shorter time, the Bill is 'pocketed' and amounts to more than a veto, for the Council will then not have the chance of passing it over his head, if it were so inclined. It was pretty well known that the Mayor would veto it, and there were grave doubts as to the Council carry-

⁶ Alexandra Lee Levin, *Vision: A Biography of Harry Friedenwald*, (Philadelphia, 1964), p. 60.

ing out the promise of its individual members that the required 2/3s majority requisite to make the Bill a law without the Mayor's approval would be forthcoming. It was agreed that the Sisters, in the event that the outlook became very bad for us, should offer to lease the place at a rent of \$900. The matter became very pressing in view of the fact that the Public School authorities announced their intention of securing the place for a public school, so that the bill of the Sisters would at least forestall any other action. The thing is becoming more and more complicated, and I must confess that I have lost much of my interest . . ."

On October 16th, Dr. Friedenwald wrote:

Last night we had a meeting of the Board of Directors of the College to consider the *status praeseus* of the Spring lot. At the last short meeting of the City Council the proposition to *lease* the Spring lot to the Sisters at \$900 per annum was not accepted, but it was resolved to offer the lot for lease to the highest bidder. This resolution was passed and received the signature of Mayor Hodges; but in order for the resolution to be carried out, the law requires that this should be advertised for three weeks. The Mayor has neglected to do this thus far, and he hardly has time to do it now. There is no doubt but that he intends to defeat the resolution in this way. The old sinner will not be in office long now, and there is a bare possibility that his successor, whoever he be, may be induced to carry out the intention of the resolution. Inasmuch as this is a resolution of the Council, and as he has signed it, an opinion comes to us, I do not know whence, that the old gentleman can by a mandamus of the court, be forced to carry out the provisions of the resolution. Whether we shall avail ourselves of this legal method has been left to a committee to make further inquiries and report. There has also been appointed a committee to see whether the five houses in Courtland Street cannot be bought for a site, the amount required for such a purpose to be raised on a ground rent. The faculty, or to speak more accurately, some of the members, viz. Opie, Latimer and Bevan are full of projects. For myself, the many failures heretofore have somewhat discouraged me, and I have sat down quietly to await eventualities.

A week later the elder Dr. Friedenwald wrote:

In the meantime, Father [Edward] McColgan, the advisor of the Sisters, has had a talk with Drs. Opie and Latimer and urged upon them the expediency of buying the five houses on Courtland Street⁷

⁷ Courtland Street is now St. Paul Street.

and erecting a hospital on the site occupied by them. I was very much amused by Dr. Opie, who called upon me last Thursday evening, for he had had a rather definite talk with the Father of the Sisters, as to their helping us and to what extent they could raise funds to build, and was told by the Father that the Sisters could do very little. Dr. Opie was rather violent in the language which he used to express his indignation at the deception which the good Sister Benedicta has practiced. I warned him long ago of becoming entangled with the Sisters in business undertakings, and always insisted that our relations should be strictly governed by business principles, and that all agreements should be in the form of legal contracts. My suggestions at the time did not meet with much favor, and it was therefore with some satisfaction that I contemplated the discomfort [sic] of Dr. Opie. He looked very much like an obstetrician who for a long time had been thinking he was dealing with a face presentation, and finally when there could be no more mistaking things, realized he had a breech before him.

On November 1st the tale continued further:

Last night there was a faculty meeting at which there was a lot of informal talk about the City Spring lot. The Sisters, after urging us on to get the lot with the assurance that they would get the hospital, have at last announced that they have become involved at Mt. Washington by an addition which they have made to their buildings there, and on that account they cannot obligate themselves to anything. The lot will, we are told, now that the election is over, be put up at auction for lease and given to the highest bidder, provided the Mayor, Comptroller, and City Register will approve of the bid. The trinity mentioned has the right, by the provisions of the ordinance, to reject any and all bids it deems inadequate. We were in the same fix before when the Council passed an ordinance that this body should sell us the lot at a price which it deemed reasonable. To defeat the object of the ordinance, a value was placed upon the lot far exceeding its actual value, and being beyond our reach. I have no doubt something similar is intended to be done now. I am sick of the whole affair, and wonder at Opie and Latimer continuing to dream with their eyes open.

"The auction will take place on December 21st," Dr. Friedenwald wrote on November 30th.

The matter was brought before us at a faculty meeting last night. Latimer and Opie were in favor of securing the Spring lot at all

hazards. Dr. Latimer offered a motion to bid as high a rental as \$1200 annually. I made an amendment that if our other expenses could be reduced to that amount, we should do it, otherwise not. Dr. Latimer pressed his motion and it was lost. A committee was then appointed for the purpose of recommending a plan for the reduction of our expenses. My plan is to give up the Assembly Rooms for which we are paying \$750 annually, and to give up the Woman's Hospital, and after altering it a little, utilize it for a dissecting room and physiological and chemical laboratories. Furthermore I advised the abolition of Keirle's⁸ and Councilman's⁹ lectures on Pathology which cost us \$200 annually. This has found favor. I also made a definite statement that I would oppose any further contribution from the faculty towards building a hospital, and insisted that the Sisters should be made to understand this fully. If they will not build, then we can hold as much of the lot as we need for the Maternité, if we should ever sell our Lombard Street property. I was very much amused when Dr. A. B. Arnold threw in a sort of bomb when it was stated that we must have a hospital or run the risk of losing the Sisters. Dr. Arnold said he did not think the Sisters worked altogether for sweet charity's sake, and if it had not paid them well, they would not be there now. He thought that they valued a five dollar bill as highly as he did himself. Dr. Coskery was stunned and tried to reply, but he bethought himself and sat down quietly.

On December 21st, Dr. Aaron Friedenwald reported to his son Harry:

Today the City Spring lot was leased at auction at \$1000 annual ground rent. Mr. Lanahan made the bid for the Sisters, as was arranged between us. We would have taken it at \$1200. Some lawyer read a protest on the occasion, claiming, I am told, that the City had no right to sell the lot, but in the opinion of noted lawyers we have nothing to fear from this source. I saw Sister Benedicta today and she looked triumphant.

I received a beautiful letter from Sister Benedicta, [Dr. Aaron Friedenwald wrote to Harry on December 25, 1887] acknowledging the receipt of a check for \$100 voted by the Faculty. She is very complimentary to me, is in ecstasy about the hospital she is going

⁸ Dr. Nathaniel Garland Keirle, Professor of Medical Jurisprudence and Pathology, College of Physicians and Surgeons; later Director of the Pasteur Institute, Baltimore.

⁹ Dr. William Thomas Councilman, Associate Professor of Pathology, Johns Hopkins, 1888-92.

to build, which she says is going to be one of the finest in the Union, and expresses the hope that I shall live long to practice within its walls, and you after me, so that the name of Dr. Friedenwald will be perpetuated in that building. I believe that she is in dead earnest, and I believe that she will get the means required in the case. It will be a great triumph for the College. The alliance thus formed between us will be of incalculable value. Medical colleges cannot succeed without hospitals, and unless we would receive aid from the city or state, we could not maintain them. Political influence is the magic wand to succeed in this, and the Sisters manage to hold it, and also know how to use it. I think we have made a good bargain. Dr. Opie is jubilant, Dr. Latimer is all smiles, and for myself, I must say that I am more hopeful about the future of the College than for some time past.

We have secured the Spring Lot just in the nick of time. The Manual Training School¹⁰ is sadly in need of additional room; it is a popular institution, and I fear if we had not taken time by the forelock that it would have slipped away from us forever. The alliance with the Sisters on the new basis is excellent as it will permanently secure for us clinical advantages. The Sisters need us just as much as we need them, and that also is fortunate. We are now secured against any possible injury that the opening of the Johns Hopkins Hospital would have done us in case we would have remained as we were.¹¹

"We are going to make a raid on the State Treasury if we can," Harry's father wrote on January 31, 1888, "for an appropriation in aid of the projected hospital. Mr. Lanahan has sent for Dr. Opie and suggested this plan, and promised his cooperation. He, Lanahan, is a stronghold in the Democratic Party and he will be a strong ally to have. We learn that the University of Maryland is going to make application for a big appropriation too, and would not wonder if the two little colleges will do the same thing. I am afraid that this will be too much of an avalanche on the Legislature, and the result may be that no one will get anything."

Harry's mother, Mrs. Bertha Friedenwald, wrote her comment on March 10th:

Dr. Opie told Papa that last week he—Dr. Opie—went to Annap-

¹⁰ Later Baltimore Polytechnic Institute.

¹¹ Levin, *op. cit.*, p. 88.

olis to see about an appropriation for the City Hospital. Someone had told Dr. Opie to get Joe Friedenwald¹² and a Mr. Blake to use their influence, as they were considered to have a large share of it. As strange things happen, your Uncle Joe and Mr. Blake were at Annapolis on some other business, and Dr. Opie met them accidentally. Dr. Opie told Uncle Joe what was wanted, and later told Papa what a thundering speech Uncle Joe made. Dr. Michael from the University of Maryland was down there to defeat them.

Further reports by Dr. Aaron Friedenwald to Harry were all optimistic:

March 14, 1888: The Committee on Ways and Means has reported favorably on an appropriation of \$5000 for 2 years, aggregating \$10,000 towards the building of the new Hospital. This is a grand triumph, especially as one member of the Committee was violently opposed to all appropriations of this kind, and further because Dr. Michael went before the Committee and made objections. We have many friends in the Legislature and we are in great hopes that we shall succeed.

March 21, 1888: The building of the hospital is, under all circumstances, an assured thing. Sister Benedicta has been in New York and Philadelphia inspecting hospitals, and her plans are somewhat matured. She tells me that her notion is to leave a space of 10 feet between our two buildings, and then to occupy the full front of 166 feet for our new hospital; the iron railing will remain, and the building to be set back about 6 feet. The object of pushing the building quite up to the other building next to the Spring lot is to force the present owner to sell his property to us for a Maternité building: after we cut off his light, the house will be injured. It is designed by the Sisters to take charge of the Maternité if we can place it contiguous to their hospital; this will simplify things very materially in a practical way, for us; besides it will command cases that could not be brought there by our influence alone.

April 6, 1888: The Legislature has appropriated \$6000 towards the building fund, and the Sisters are ready to proceed. Michael of the University of Maryland has been a great obstacle to us. When the Committee on Ways and Means had cut down our petition to \$5,000, he prevailed on them to allow him \$2,500 of this sum for his Lying-in Asylum. The Committee of the Senate yielded to a degree by

¹² Joseph Friedenwald, who was connected with the Bay View Brewery as part owner, was the eldest brother of Dr. Aaron Friedenwald. He was also a behind-the-scenes power in local Democratic party politics.

cutting down our amount to \$3,000 and awarding him \$2,500 for two years. Our share of \$3,000 was finally awarded us, but our friends, appreciating the animus of Michael, struck out what was intended for him, and left him entirely out in the cold. Served him right!¹³

April 18, 1888: Sister Benedicta has three architects at work to compete for the job. When they hand in their plans, they will be submitted to the faculty, for it is understood that in the building of the Hospital, the requirements of the College are to be taken into consideration. I think it is the intention of the Sister Superior to build a fine building. She is too much of a business woman not to realize that the Johns Hopkins will be such a fine establishment that the Sisters will be forced to make some sort of show if they are to continue to get the City appropriation and to secure private patients from the Catholic fold.

May 5, 1888: Plans for the new Hospital have been completed; the architect is Mr. Baldwin. It will be 5 stories high, the front story of rough brown stone, the rest of pressed bricks with brown stone trimming. An open court will afford light and air to every apartment in the building. It will be a great boon for the College of Physicians and Surgeons which its rival, the University of Maryland, will not like a bit. The Sisters have undertaken to raise all the money; we are relieved of all responsibility except paying \$500 annually which is one-half of the ground rent.

June 20, 1888: I called at the Isaac Friedenwald printing establishment¹⁴ and procured a cut of the City Hospital that is to be, and which will be a conspicuous part of the new Catalogue of the College. I shall send you a cut and hope you will like its appearance.

Harry's comment when he received the cut of the new hospital was that the little old building beside it looked like a little tail joined to a big head.

July 18, 1888: The foundation walls are slowly creeping up. It has not been an easy job. Water courses up whenever the ground is touched, and constant pumping is required to enable the masons to proceed. On one occasion they had to procure the services of an engine from the Fire Department.

¹³ Levin, *op. cit.*, p. 89.

¹⁴ Isaac Friedenwald, founder of the Friedenwald Press, was an older brother of Dr. Aaron Friedenwald. For an interesting sidelight on the Friedenwald Press, which later became the Lord Baltimore Press, see H. L. Mencken's *Happy Days* (p. 210).

September 30, 1888: This has been an eventful day. The ceremonies of laying the cornerstone of the Hospital took place at 3:30 P.M. The Catholic hierarchy in full force and in full uniform was present and conducted the exercises. All the Catholic Knights, Irish and German, Polish and Bohemian, with green, red, and white plumes and shining helmets marched valiantly in line, with floating banners and stirring music. Calvert Street presented one compressed mass of human beings. The roof of the Hospital was crowded with those who were anxious to see the wonder, and who could not be accommodated with room below. The little Sisters in their saintly garb and innocent faces stood at the windows and overflowed things generally. The Cardinal [James Gibbons] in his vestments of white silk, richly embroidered, Monsignor McColgan in his purple robes, and then the priest of the third degree, and numerous brothers, who looked not half so fascinating as their sisters who were peeping from the windows above, gave the required dignity to the occasion. The Mayor, the Hon. Ferdinand C. Latrobe, was there also in full life size, except when he took off his hat. The Mayor made an address; it was good, and it was short, and was especially well received by those (and they were in the great majority) who did not know how much he had done in his official capacity to prevent the very thing for which he had so many praises today. Then the clergy did some chanting which sounded very well, and this was followed by a short but appropriate address by the Cardinal. Many baskets in the hands of amiable gentlemen were passed all around, on the stand and in the street amid the crowd. A good deal of money was apparently collected. The faculty was well prepared for this. By a resolution at a recent faculty meeting it was agreed that \$150 should be contributed. It was further agreed that the Treasurer should draw the amount in \$10 bills, and that each member of the faculty should be provided with one, so that others on the stand should be encouraged to give. We were all there except Dr. Gundry and Dr. Simon for whom I dropped the respective \$10 bill, and for poor old Dr. Lynch, who is now sleeping quietly in Baltimore Cemetery, and who was represented by our friend Dr. Chambers who did the dropping for him. Yes, Dr. Lynch is no more. He died on Thursday afternoon and was laid to rest yesterday. Peace be to his ashes.

January 9, 1889: The New Hospital is now under roof, and makes a change in the neighborhood that is much talked of. Sister M. Benedicta is very proud of her victory and our College is commencing to feel a little more respectable.

January 29, 1889: The floors are being laid.

March 20, 1889: The new City Hospital looks beautiful. The plasterers are now at work and it will be completed by the 1st of October. It will not be formally opened at that time, for the Sisters will have a grand Fair in it, and expect to realize a good deal of money by the scheme.

March 27, 1889: Today I went through the New Hospital. It is a gem. I have no hesitation in saying that next to the Johns Hopkins it will be the finest hospital in the city.

November 30, 1889: The great Fair is over and the Sisters realized about \$20,000. To give you an idea of what was done: a Chair was put up to be voted for for the most popular physician. Dr. Opie, Hill the coroner, and young Dr. Chambers were the candidates for the honor. It was voted to Dr. Opie, he having received over 1400 votes; the Chair in this way realized over \$900.

December 25, 1889: On last Monday night the New City Hospital was inaugurated. His Eminence the Cardinal was the most prominent figure of the occasion. The ceremonies were divided into two parts. The first took place in the Chapel, which is located on the third floor and looks like a fairy place. The first address was made by the Cardinal who spoke well. He emphasized that hospitals were the outcome of Christianity, and stated that before the Christian Era hospitals did not exist, that the Greeks and Romans knew nothing about them, and that the word couldn't be found anywhere until it was coined by the Christians who built them. He was followed by our new Mayor, Davidson, who spoke quite appropriately, and who seems both a sensible and a good man. Next Mr. Bonaparte took the stand.¹⁵ He showed the necessity of hospitals, and among us it was better that they should be controlled by private benevolence than as an institution of the State. He is a clever man, and whenever he speaks says something worth listening to. The last speaker in the Chapel was Dr. Gundry, to represent the faculty. By some strange coincidence, he and the Cardinal both regarded it as important that the origin of hospitals should be touched upon. Gundry's touch, however, gave quite a different sound. He traced the origin of hospitals a little further back than did the Cardinal, and he found them spoken of among the Greeks and Romans and

¹⁵ Charles J. Bonaparte, a great-nephew of Napoleon I, became Secretary of the Navy and then Attorney General in Theodore Roosevelt's Cabinet. See Jane L. Phelps, "Charles J. Bonaparte and Negro Suffrage in Maryland," *Md. Hist. Mag.* (Dec., 1959), 331-352.

other ancient nations centuries before the coming of Christ.¹⁶ Gundry's contradiction must have startled the Cardinal, but no offence could have been taken for it was so written in his prepared speech, and he could not have been aware at the time that he did the writing what *cardinal* error he would have to correct. After this part of the exercises, we were marched downstairs in one of the new public wards where tables were prepared with good things to eat and drink. Here Judge Bond,¹⁷ Mr. Lanahan, and Mr. John P. Poe¹⁸ held forth by appointment, after which the company was dismissed. There were about 300 persons present, who had been selected with great care: the Governor and his staff, Mayor Davidson, ex-Mayors Hodges and Latrobe, the City Council, I. Freeman Rasin,¹⁹ and everybody from whom political favors could be looked for in the future. The Sisters of Mercy were eulogized to their full satisfaction.

Dr. Thomas Opie, Dean of the College of Physicians and Surgeons, had fallen ill, and Dr. Aaron Friedenwald was appointed Dean *pro tem*. In this capacity, Dr. Friedenwald delivered the address for the College at the official opening of the new City Hospital on January 1, 1890. In this speech he traced the history of the College, its cooperation with the Sisters of Mercy, and the efforts made by the faculty to secure the City Spring lot. Dr. Friedenwald, with his sense of humor, could not resist poking some gentle fun for the benefit of those who knew the tortuous details of what had gone on before. "This magnificent Hospital now stands upon that long coveted lot," he explained, "and Charity, 'tis said, covereth a multitude of sins."

¹⁶ See also "Notes on the History of Jewish Hospitals" by Dr. Harry Friedenwald, in the *Hadassah Newsletter*, Dec. 1938:

It is often assumed that the hospital is a Christian institution. It is interesting, however, to learn that when the first hospital was founded in Rome in the fourth century as a mark of penance by Fabiola, a rich Roman lady, St. Jerome (337-420 B.C.) praised her act as 'having transplanted a branch of Abraham's terebinth to the Ausonian Shores.' There is a legend that Abraham made a place of lodging for travellers under a terebinth which he planted in Beersheba . . . Sarton suggests that 'the earliest conception of hospitals was probably Jewish . . . Dr. Friedenwald's "Notes on the History of Jewish Hospitals" appears in his *The Jews and Medicine* (Baltimore, 1944), II, 514.

¹⁷ Judge Hugh Bond.

¹⁸ John P. Poe was Attorney General of Maryland, 1892-96.

¹⁹ I. Freeman Rasin was a local politician and associate of Arthur Pue Gorman, U.S. Senator from Maryland. See John R. Lambert, Jr., "The Autobiographical Writings of Senator Arthur Pue Gorman," *Md. Hist. Mag.*, LVIII (June, Sept., 1963). 93-122; 233-248.

The following day the first patient was admitted to the New City Hospital, later Mercy Hospital. Dr. Aaron Friedenwald practiced in the Hospital until his death in 1902. Three sons and a grandson were later intimately connected with the Hospital: Drs. Harry, Julius, Edgar, and Jonas Friedenwald.²⁰ In 1915 the College of Physicians and Surgeons merged with the University of Maryland Medical School, its old rival.

²⁰ Harry Friedenwald (1864-1950); Julius Friedenwald (1867-1941); Edgar Friedenwald (1879-); Jonas Friedenwald (1897-1955).

EDITORIAL POLICIES OF THE *MARYLAND GAZETTE*

1765-1783

By DAVID C. SKAGGS

PROFESSOR Edmund S. Morgan recently suggested that revolutionary period scholars "must dissect the local institutions which produced the American Revolution, the institutions from which are distilled the ideas that enabled men of that age to stand as the architects of modern liberty."¹ On the Chesapeake tidewater one of the most significant institutions influencing the change of colonial ideals from dependence to independence, and at the same time leaving such concepts as freedom of religion, speech, and press engrained in the revolutionary mind, was the Annapolis journal operated by Jonas Green, his wife and his sons. Throughout the period from the passage of the Stamp Act to the signing of the Treaty of Paris, the *Maryland Gazette's* weekly issues both influenced and reflected local thought.

Much has been written about colonial printing and printers, but the monographs about the Green family in particular or editorial policy in general neglect them as editors. Both Lawrence C. Wroth, in *A History of Printing in Colonial Maryland*, and Joseph T. Wheeler, in *The Maryland Press, 1777-1790*, were primarily concerned with biographical and typographical matters. Arthur M. Schlesinger, in *Prelude to Independence: The Newspaper War on Britain 1764-1776*, chiefly concentrated on newspapers above the Mason-Dixon Line; and one of the important missing papers was the *Maryland Gazette*, begun by a former apprentice of Franklin in 1745. Green, newly wed to Anne Catharine Hoff, came to the capital in 1738. The young man rapidly advanced in provincial society. He became civic leader, church officer, and poet, punchmaker, and punster to the popular Tuesday Club of local gentlemen. He also

¹ Edmund S. Morgan, "The American Revolution: Some Revisions in Need of Revising," *William and Mary Quarterly*, 3rd Ser., XIV (January 1951), pp. 13-15.

established one of the important printing firms of early America. Anne Catharine would succeed Jonas and their sons would follow as heads of the family press.²

Editorials as such were unusual in eighteenth century journalism; only rarely did the Greens express themselves openly. Instead, they allowed Marylanders and other colonials free usage of their pages for contributions of poetry, prose, religious discussions, and, with greater frequency after the French and Indian War, political diatribes. In heated political controversies, the Green press attempted a program of impartiality, giving each side space fully to express their opinions on controversial issues, for such a policy was lucrative. Despite the contentiousness of partisans of Maryland's "country" and "court" parties, the Greens managed to receive the Assembly's favor as "Public Printer"—a government largess which made the *Gazette* financially better off than its rival Maryland newspapers.

Outstanding among such controversies was the series between the "First Citizen" (Charles Carroll of Carrollton) and "Antilon" (Daniel Dulany, the Younger). For the first six months of 1773, the *Gazette's* readers contemplated the charges and counter-charges of the two antagonists. The argument over Governor Robert Eden's fee proclamation of 1770 was part of the prelude to the May elections. Enthusiasm was such that people crowded the small printing house each Thursday to buy the paper fresh off the press in order to read the latest discourse.³ Thus was controversy profitable.

The protagonists used pseudonyms, but these rarely hid from the public the true identity of the participants. Dulany, backing the governor, had the entire British legal tradition on his side, and used his arguments effectively. Carroll, obviously more influenced by the rationalism of his education in France than by his instruction at London's Inns of Court, took a natural rights

² All biographical information on the Green family, except where otherwise noted, comes from Lawrence C. Wroth, *A History of Printing in Colonial Maryland, 1686-1776* (Baltimore, 1922), pp. 76-81, or Joseph T. Wheeler, *The Maryland Press, 1777-1790* (Baltimore, 1938), pp. 66-70. The finest study of the environment in which the Green press operated is Charles A. Barker, *The Background of the Revolution in Maryland* (New Haven, 1940).

³ *Ibid.*, pp. 344-48; Aubrey C. Land, *The Dulanys of Maryland* (Baltimore, 1955), pp. 289-90, 301-07.

position.⁴ The acrid conflict worsened when elections brought defeat of "court" candidates. A poem, signed "Broomstick and Quoad," revived latent anti-Catholicism by denouncing Carroll's writings as papistic.⁵ But several newly elected delegates wrote the "First Citizen" a public letter commending his "nervous and masterly defense of the constitution, against the late illegal, arbitrary and oppressive proclamation."⁶

Another argument of vital importance concerned the established church. Above all, their conduct on this particular issue demonstrated how the Greens championed freedom of the press. Not only were they active churchmen, but also they received a salary for their duties as parish registrar. Jonas and his sons William and Frederick successively held the post from 1746 until the latter resigned in 1777. The stipend for these services allowed them to profit from the church's establishment.⁷

Nevertheless, they allowed Samuel Chase and William Paca to urge disestablishment in opposition to Jonathan Boucher, the controversial Anglican priest. This particular colloquy was distinguished because the participants signed their articles which appeared in nearly every issue of the *Gazette* in 1772 and 1773. They debated over the taxes levied to support the church and the proposed installation of an Anglican bishop in America. If sheer amount of space devoted to an issue is an indication of the intensity of a problem, the provincial church appears to have been more of an issue to Marylanders than the illegality of parliamentary taxation.⁸

Another issue of concern arose over whether coercion should be used to enforce the Articles of Association. The Sons of Liberty were forcing Marylanders to support the boycott against

⁴ Dulany's articles appeared in *The Maryland Gazette*, Jan. 7, Feb. 18, Apr. 8, June 3, 1773, and Carroll's on Feb. 4, Feb. 25, March 11, May 6, July 1, 1773; see also Barker, *Background*, pp. 351-54.

⁵ *Md. Gazette*, June 10, 1773.

⁶ *Ibid.*, May 27, 1773.

⁷ "Vestry Proceedings, St. Ann's Parish, Annapolis, Md.," *Md. Hist. Mag.*, VII (June, 1912), 181, VIII (Dec., 1913), 360, IX (Mar., 1914), 50, X (Mar., 1915), 41, X (June, 1915), 136, 142.

⁸ For examples see *Md. Gazette*, Dec. 31, 1772, Jan. 14, Feb. 4, Apr. 1, Apr. 29, May 6, 1773; for more on Boucher see, Philip Evanson, "Jonathan Boucher: The Mind of an American Loyalist," *Md. Hist. Mag.*, LVII (June, 1963), 123-36, and Vernon L. Parrington, *Main Currents in American Thought*, I, *The Colonial Mind* (New York, 1954), pp. 218-23.

British goods prescribed by the Articles in order to force repeal of the Intolerable Acts. Again both sides received space.⁹ By early 1775, the arguments grew so fierce that the Greens printed handbills for participants since newspaper lineage was limited.¹⁰

As elsewhere in British America, independence became the burning issue in Maryland during the first half of 1776. Columns were filled with arguments for and against Thomas Paine's *Common Sense*. The Maryland Convention had voted against severing the ties with Britain, but patriots went from county to county holding meetings to oppose these restrictions upon the province's delegates to the Continental Congress. The *Gazette* printed the resolutions of such meetings, and these were then used to force the Convention to free its delegates to sign the Declaration.¹¹

In 1780-81 controversy again erupted over the confiscation of loyalist property. Things became so heated that Charles Carroll of Carrollton and Samuel Chase took off their cloaks of anonymity and each engaged in vindictive arguments over the character and motivations of the other.¹²

There were limits to the latitude that the Green family could allow their correspondents for they were libel for inflammatory statements appearing in their paper. This necessitated some sort of censorship. The consequences of not adopting such a policy were shown in the case of William Goddard, editor of the *Maryland Journal* in Baltimore. A combination of irresponsible editorial decisions and demagogic local political leadership resulted in Goddard being twice driven from the city. Only the interposition of the Maryland Council of Safety, whose leaders had seen the *Gazette* champion freedom of the press for over three decades, allowed Goddard to return safely to Baltimore.¹³

Thus as early as 1766, the Greens practiced editorial restraint in the acceptance of material. Jonas Green rejected as "too personal" an article by Chase attacking Mayor Walter

⁹ *Md. Gazette*, May 26, June 2, June 9, 1774.

¹⁰ *Ibid.*, Jan. 19, Feb. 2, Feb. 23, 1775.

¹¹ *Ibid.*, every issue Mar. 7-July 18, 1776.

¹² *Ibid.*, (Carroll) Aug. 23, Aug. 30; (Chase's reply) Sept. 27, Oct. 11, 1781; beginnings of the confiscation argument can be seen in letters by Carroll as "A Senator," Feb. 11, Feb. 18, Feb. 25, 1780, and replies by "A Plecian" of Prince Georges County, Feb. 18, and Baltimore's "Publicola", Feb. 25, 1780.

¹³ Ward L. Miner, *William Goddard, Newspaperman* (Durham, N. C., 1962), pp. 150-62, 167-73.

Dulany. In so doing, Green invited criticism of himself since he had previously allowed Dulany to reply to Chase's original arguments. It is possible that his personal friendship with the Dulany family was the major reason behind his decision to refuse this tirade against the town's mayor in this so-called "Paper War." On the other hand, Chase was notorious for unbridled invective whether oral or written.¹⁴

The year following her husband's death in 1767, Anne Catharine Green, succeeding provincial printer and *Gazette* editor, refused to print arguments of the Reverend Bennet Allen, rector of St. Anne's of Annapolis, who wished to rid his vestry of elements opposed to him. Allen refused to sign his essays or post bond to indemnify the printress in case of libel. Supporting her in this particular argument was her son-in-law, John Clapham, a minor proprietary official, who wrote three letters to the *Gazette* explaining Mrs. Green's position.¹⁵

During the disestablishment arguments of 1773 several unsigned articles appeared attacking the personal character of William Paca. Extremely upset, Paca told Anne Catharine Green, in a letter she published, "if you are hereafter an instrument in propagating, thro' the channel of your press any *personal reflections* on me, and *conceal* the author, by which, as hitherto, I am deprived of an opportunity of treating the *infamous scoundrel* in the manner he may deserve, I shall hold you responsible."¹⁶ Mr. Paca had no more trouble in this regard.

The impropriety of remarks written during the confiscatory discussion caused Frederick and Samuel Green to remind contributors of their responsibilities. On March 3, 1780, the brothers wrote: "*Several pieces are received and will be published in the order they came to hand. Scevola to the Senator contains several exceptional passages, and will be returned to the author. Vindex is likewise too personal, and cannot be pub-*

¹⁴ The affair is well discussed in Neil Strawser, "Samuel Chase and the Annapolis Paper War," *Md. Hist. Mag.*, LVII (Sept. 1962), pp. 188-91, and Francis W. Beirne, "Sam Chase, 'Disturber,'" *ibid.*, LVII (June 1962), p. 86; *Md. Gazette*, Mar. 13, Mar. 20, Mar. 27, May 1, June 19, July 17, 1766.

¹⁵ *Ibid.*, Sept. 22, Nov. 17, Dec. 8, 1768; Josephine Fisher, "Bennet Allen, Fighting Parson," *Md. Hist. Mag.*, XXXVIII (Dec. 1943), p. 315, XXXIX (Mar. 1944), p. 53.

¹⁶ *Md. Gazette*, Sept. 30, 1773.

lished."¹⁷ There was still some confusion among their correspondents. One wrote a friend in Annapolis, "if Green says it is to have been usual to communicate the *name* of the author—tell him—but tell him to be secret."¹⁸ To clarify the entire situation the Greens declared: "*No pieces will be inserted in this Gazette unless the authors send their real names to the printers.*"¹⁹ This settled the problem of censorship and libel suits once and for all.

Brief expressions of the editor's attitude toward current political topics often appeared in short italicized items, under the Annapolis dateline, preceded by a triangular arrangement of three asterisks, i. e. * * *. The family political preference at first slyly leaned to the patriot cause, judging from these cryptic statements. But the Stamp Act bore heavily on the colonial press and the Greens openly defended their interests. The wily Jonas Green attacked the Stamp Act by heading his paper of October 10, 1765, *The Maryland Gazette, Expiring: In uncertain Hopes of a Resurrection to Life again*. A week later he began publishing the first of three supplements to this issue, thereby avoiding printing a new issue which would be subject to the hated tax. On December 10, there appeared *An Apparition of the late Maryland Gazette*. By January 30, 1766, he changed the numbering to a new issue and entitled it *The Maryland Gazette, Reviving*. The paper resumed its old title on March 6. During the time he was dodging the tax, he printed the essay by Daniel Dulany entitled *Considerations on the Propriety of Imposing Taxes in the British Colonies*²⁰ and expressed favoritism of some of the activities of the Sons of Liberty.²¹

The Annapolis printers supported the cause of the "country" party the more by printing letters from various Committees of Correspondence, selected excerpts from London papers showing Parliament antagonistic to the colonials, political essays like

¹⁷ *Ibid.*, Mar. 3, 1780.

¹⁸ William Vans Murray to Henry Mayndier, Oct. 1, 1781, in Murray MSS, Md. Hist. Soc., Baltimore.

¹⁹ *Md. Gazette*, Nov. 22, 1781.

²⁰ Wroth, *Printing*, pp. 83-84 [Daniel Dulany], *Considerations on the Propriety of Imposing Taxes in the British Colonies*, (Annapolis, 1765?); Land, *Dulanys*, pp. 259-68.

²¹ *Md. Gazette*, Mar. 6, 1766.

John Dickinson's "Letters from a Pennsylvania Farmer,"²² letters to the printer, and brief reports of popular party activities in Maryland.²³ Repeal of the Townshend Acts curtailed the crusading zeal in most of the colonies until 1773,²⁴ when Marylanders chose a new Lower House of the Assembly. The arguments of the "First Citizen" and "Antilon" were manifestations of this campaign.

By mid-1774, the columns of the *Gazette* were so crowded with news from Williamsburg relative to the Boston crisis, from London about large amounts of British money, arms, and troops being sent to the Massachusetts port, and from Annapolis concerning citizens' meetings on united colonial action due to the Intolerable Acts, that Anne Catharine Green apologized: "*The conclusion of the essay on the advantages of a classical education, is postponed for the want of room.—Advertisements omitted will be inserted next week.*"²⁵

Mrs. Green tried to show that all elements in American society were cooperating in the patriot cause when she commented:²⁶

Many reflections being thrown out by some *prejudiced persons*, insinuating that the Quakers are totally inactive in the present struggles for *American liberty*, it is with real pleasure that we can assure the public, that that truly respectable society have lately resolved in one of their meetings lately held in Philadelphia, neither to *drink tea*, nor suffer any to be used *in their families*.

With the tide of events moving toward a more radical course, the printers of Maryland's leading newspaper more than ever expressed these changing viewpoints. Their by now radical attitude was shown in the report of the burning of the *Peggy Stewart*.²⁷ In July 1775, the Baltimore-bound ship *Totness*, suspected of carrying contraband, ran aground near Annapolis. A "number of people met," in defiance of a ruling of the local committee of inspection, and, "highly resenting so daring an

²² Dickinson's letters were printed in 12 installments in each issue, *Ibid.*, Dec. 17, 1767-Mar. 10, 1768.

²³ *Ibid.*, May 27, 1773.

²⁴ Arthur M. Schlesinger, *Prelude to Independence: The Newspaper War on Britain, 1764-1776* (New York, 1958), pp. 129-135.

²⁵ *Md. Gazette*, June 2, 1774.

²⁶ *Ibid.*, Sept. 29, 1774.

²⁷ *Ibid.*, Oct. 20, 1774.

infringement of the continental association, . . . went aboard, and set her on fire." There was not a hint of condemnation of these radical proceedings in the *Gazette*.²⁸

As the clouds of conflict over the Coercive Acts grew darker, the Greens turned their journal into an organ of the Anne Arundel committee of correspondence. They published notices of approaching citizens' meetings, elections, and provincial conventions. Resolutions and proceedings of local, provincial, and continental assemblies filled their pages.

War found the Greens publishing Thomas Paine's "Crisis" series and various Maryland essayists using such names as "Solon," "An American," "Cato," and "Plainurus": all crying for continued resistance. "Cato" urged his fellow citizens to watch the enemy within, suggesting they "guard well, your suspicious neighbours, and secure your known internal foes—secure 'em! Hamper, pinion, and bind 'em, from rendering you the every mischief they most assuredly would do you, were they at will."²⁹

Throughout the war the Greens printed notices of military action in a manner designed to encourage the rebels. Despite the dangers of invasion and capture by Sir William Howe's forces moving up the Chesapeake Bay in 1777, they defiantly published articles by Paine. Concurrently they editorialized against "enemy" privateers which "run along the shore, and into the unguarded rivers, and plunder the inhabitants. Negroes are their chief object, whom they intend to sell in the west Indies." Similar raids in support of traitor Benedict Arnold's Virginia campaign of 1781 were also condemned.³⁰ As Washington moved his army south to encircle Cornwallis, the British commander's action reports concerning the Battle of Guilford Courthouse were disparaged by the editors as "replete with false colourings, calculated to extole the *fortitude* and *heroism* of Britons, to diminish *their* losses, extenuate their cruelties and disgrace, and inspire the [British] administration with delusive hopes of conquest . . ."³¹

²⁸ *Ibid.*, July 20, 1775.

²⁹ "Cato" in *Ibid.*, July 16, 1779; for examples of other writers see issues of Nov. 21, Nov. 28, 1776, Jan. 9, Feb. 13, 1777, Feb. 18, July 7, 1780; Paine's "American Crisis" series began Jan. 2, 1777.

³⁰ *Ibid.*, Aug. 21, Sept. 18, Sept. 25, 1777, Mar. 22, 1781.

³¹ *Supplement to Md. Gazette*, Aug. 23, 1781.

Any "delusive hopes of conquest" were shattered just a few weeks later. The *Gazette's* publishers saved their highest accolades for the victor of Yorktown when he visited Annapolis, November 22-23, 1781. According to the Greens,³²

On his appearance in the streets, people of every age eagerly pressed forward to feed their eyes with gazing on the man, to whom, under Providence, and the generous aid of our great and good ally, they owed their present security, and their hopes of future liberty and peace; the courteous affability, with which he returned their salutes, lighted up ineffable joy in every countenance, and diffused the most animated gratitude through every breast.

You would have thought the very windows spoke,
So many greedy looks of young and old
Through casements darted their desiring eyes
Upon his visage; and that all the walls,
With painted imagery, had said at once,
GOD SAVE THEE, WASHINGTON.

With this effort completed, the printers returned to their usual practice of reporting local events with a sentence or two under the Annapolis dateline. Seldom, if ever, would they allow their own emotions as much room as they did on the day of Washington's visit.

The relative economic, social, and political importance of Annapolis declined after the Revolution. Baltimore, with its fine harbor and easy access to the wheat fields of the west, became the major urban center of Maryland. But, in the period before her decline, the capital was filled with business, political, and social leaders. Reflecting the views and politics of such men was the *Maryland Gazette*, the colony's only paper until 1773; and in turn it influenced those who read its pages. Thus the Greens' weekly helped construct American democracy. Surely this was one of those institutions which Professor Morgan had urged historians to dissect since it mirrored and partially shaped contemporary minds.

³² *Md. Gazette*, Nov. 29, 1781.

MARYLAND METHODISTS AND THE CIVIL WAR

By RICHARD R. DUNCAN

THE secession crisis which broke over the nation in 1860 compounded an already difficult dilemma for the Methodist Episcopal Church in Maryland. Slavery had long been a sporadic source of trouble in the Church, and controversy over the issue had already brought about a division in 1844 with the creation of a Southern organization. In the 1850's agitation on the question threatened disunity once more. With the attempt of anti-slavery forces to strengthen the Discipline in the 1856 General Conference, strong opposition began to assert itself in the remaining slave areas. For as early as the following year, the Baltimore Conference expressed its determination to prevent any change,¹ and by 1860 with a change being effected, the issue was an extremely sensitive one in the border areas.

The secession crisis also had ramifications for Marylanders other than merely sharpening the controversy over slavery. As a border state with divided loyalties, Maryland found herself being pulled in various directions, and differences over her role in the crisis permeated religious institutions as well as political ones. With the outbreak of hostilities, the question of political loyalty became an issue of major significance and one of the most perplexing difficulties during the war period for Methodists and Marylanders alike.

By the convening of the General Conference in Buffalo, considerable pressure had mounted among the Northern conferences for a change in the Discipline on the question of slavery. Discussion upon the issue was soon opened in the conclave with a request that the Committee on Law Questions decide: "Does the General Rule on Slavery prohibit the Hold-

¹ Charles Baumer Swaney, *Episcopal Methodism and Slavery* (Boston, 1926), p. 222.

ing of men, women, and children in the same sense that it does the buying and selling them?"² Petitions and memorials flooded the Committee on Slavery. Some 137 petitions, representing 3,999 persons, opposed any alteration in the ruling, while 811 memorials, representing, 45,857, requested that it be changed. Among those petitioning against a change, ten memorials came from groups in the Baltimore, East Baltimore, and Philadelphia conferences.³

Finally on May 16th, the Committee on Slavery was ready to present a report to the Conference. The majority of the committee recommended the adoption of an amendment which would have changed the prohibition to read: "The buying, selling, or holding of men, women, or children, with an intention to enslave them." Since a vote on this part of the report failed to receive a necessary two-thirds majority to amend the rule, anti-slavery forces offered a substitute for the seventh chapter of the Discipline, and by a vote of 149 to fifty-six they were able to bring the substitute before the convention. The effort was successful, and the so-called New Chapter was adopted by a vote of 155 to fifty-eight. In answer to the question: "What shall be done for the extirpation of the evil of Slavery?" the General Conference now asserted:

We declare that we as much as ever convinced of the great evil of slavery. We believe that the buying, selling, or holding of human beings, as chattels, is contrary to the laws of God and nature, inconsistent with the Golden Rule, and with that Rule in our Discipline, which required all who desire to remain among us to 'do no harm, and to avoid evil of every kind.' We therefore affectionately admonish all our preachers and people to keep themselves pure from this great evil, and to seek its extirpation by all lawful and Christian means.⁴

Strongly opposing the action, a minority prepared their own statement and recommended a series of resolutions for consid-

² William L. Harris, ed., *Journal of the General Conference of the Methodist Episcopal Church, held in Buffalo, N.Y., 1860* (New York, 1860), p. 117.

³ *Ibid.*, 426. Maryland churches were divided among three conferences: the Philadelphia, which contained the Eastern Shore circuits, the Baltimore, and the East Baltimore. The *Methodist Almanac* of 1862 estimated that there were 56,220 Methodists in the state. Cited in William Warren Sweet, *The Methodist Episcopal Church and the Civil War* (Cincinnati, 1912), p. 46.

⁴ *Ibid.*, 404-409; Sweet, *Methodist Episcopal Church and Civil War*, 39-40; and Swaney, *Episcopal Methodism and Slavery*, pp. 225-226.

eration. They held to the view that slaveholding, if it was "necessary and merciful," was not a sin in itself, but only became so when it was done for "mercenary and selfish purposes." Continuing this line of reasoning, the minority maintained that the Church had continually and openly opposed slavery as a sin and had used its powers to keep members from any "criminal connection" with it. They too expressed hope that its evil would be removed from amongst them, but in the light of the highly emotional crisis, they counseled against any change which might disturb the Church's unity and would be adverse to both ministers and lay members in slave areas.⁵

The conclave, fearing the adverse reaction of Methodists in the border states, virtually nullified the New Chapter's effectiveness. Before the conclusion of the session a resolution stating that the new rule was "declaratory of our principles, and advisory in its application" was introduced but later withdrawn in favor of one merely stating "the chapter in itself so clearly declarative and advisory as not to require any such explanation."⁶ However, the application of the new rule was more effectively nullified by the interpretations made by the bishops of the Church. As a consequence, equivocal interpretations protected the slaveholder and was responsible for holding many who might otherwise have left the Church.⁷

Despite the attempt to conciliate the border churches, much

⁵ *Ibid.*, pp. 410-417. Later in the interest of maintaining harmony, the minority requested and was permitted to read a statement into the minutes clarifying their position. They assured the Conference that they did not wish to create the impression of charging the majority with "unfairness or oppression" but merely considered that the documents, which had been presented to the committee, were not given full consideration. Therefore without sacrificing their principles, they were willing to waive the offensive particulars which appeared in their original objection. *Ibid.*, pp. 192-193.

⁶ *Ibid.*, pp. 260-261.

⁷ Later, the House of Bishops meeting in Cincinnati adopted a resolution which asserted: "That in our judgment there was no action of the late General Conference of the Methodist Episcopal Church which changed the terms of membership in said Church." Baltimore, *American and Commercial Advertiser*, January 2, 1861. (Hereafter cited as the *American*.)

During the 1861 sessions of the Baltimore Conference, Bishop Scott was asked a series of questions concerning interpretations of the New Chapter. Asked if a local minister who held slaves would be denied ordination, if a slaveholder could be excluded from the Church, and if he could be arraigned as a sinner; the Bishop replied no. He was then asked if a slaveowner holding slaves for gain could be brought to trial. Bishop Scott replied: "I know no such process." On questions pointedly directed to the New Chapter, the Bishop became even more equivocal. In answering: "Is not every man a sinner against God, and the laws of nature, and the precepts of the Bible, who holds a slave in the sense of

dismay and anger was expressed in Maryland against the action taken at Buffalo. Prior to the meetings of the annual conferences in March, 1861, there were strong protests voiced by local churches and lay meetings in all three conferences. Within one month after the General Conference's action, members of the "City Station" in Baltimore adopted a series of resolutions denouncing the passage of the New Chapter as being without proper authority and as being a source of embarrassment and agitation for those groups in slave territory. In expressing their opposition, they resolved to refuse to adhere to the Discipline of the prior General Conference. Later in December, members of a lay convention of the Baltimore Conference, in voicing their protest, further recommended that the border conferences withdraw from the jurisdiction of the General Conference.⁸

A strong protest movement also erupted in the Eastern Shore circuits. There, Methodists not only insisted on the repeal of the New Chapter but also demanded other reforms. They called for their separation from the Philadelphia jurisdiction, for either the creation of a new conference or their inclusion in the Baltimore one, and for the right to be supplied with ministers who agreed with them in sentiment. At a layman's meeting in Cambridge, the assembled members demanded that authority

the New Chapter?" Scott indicated that "He is, in the sense of the Discipline, whatever that sense is." Finally he was asked: "Is it not, under the Discipline, the duty of every member of the Church to engage in active efforts for the abolition of slavery?" The forthcoming reply was: "Not more under the *present* than under the *former* Discipline." Later in the proceedings he was asked: "Has the Presiding Bishop authority to ordain any local or traveling preacher who says he cannot subscribe to all the doctrines of the Church?" Scott adroitly answered: "The Presiding Bishop must ordain all who are duly elected, and who take upon themselves the ordination vows of the ordination service." *The Liberator*, XXXI, No. 14, April 5, 1861, and also cited in Swaney, *Episcopal Methodism and Slavery*, 229-230.

Again in 1862 members of the Baltimore Conference were concerned with their position in the Church. Bishop Janes in writing to his wife just prior to the opening of the meeting commented that: "Yesterday, from early morn to late at night, I was in the company of Church committees, or brethren making calls to state their own cases, or some of the elder members of the Conference coming to renew their acquaintance and to inquire after my welfare, etc. Of course they must be answered courteously. To do this and not commit myself or my plans so as to embarrass me hereafter required me to think twice before I spoke once. We shall have some very delicate and difficult and very responsible questions to settle. Party strife is very violent. There is a wall of fire all around me; go which way I will I must be burned." Henry B. Ridgaway, *The Life of Edmund S. Janes* (New York, 1882), p. 253.

⁸ *Minutes of the Sessions of the Baltimore Annual Conference, Methodist Episcopal Church (South), 1862-1865* (Staunton, Virginia, 1899), pp. 3-5 and *American*, January 2, 1861.

over slavery be given to local jurisdiction and that a fairer proportion of the Church's periodicals be placed under the control and editorship of men representing the border areas.⁹

Reflecting much of the prevailing tension over the new rule, meetings on the Eastern Shore assumed an even more radical character in an attempt to exert pressure on the Church for the redress of their grievances. Members of the Asbury church in Somerset County not only declared the New Chapter an "unjustifiable and inexcusable violation of its solemn pledges and good faith to the border churches," but asserted that since protests and repudiations were useless, they were severing their ecclesiastical ties with the jurisdiction of the General Conference. This action, however, was somewhat tempered by their subsequent decision to reassemble after the meetings of the Philadelphia and Baltimore groups in order to reassess their position.¹⁰

In another meeting held in Cambridge, a proposal was adopted which called upon the peninsula counties of Maryland, Virginia, and Delaware to separate from the Philadelphia jurisdiction and either form their own conference or join the Baltimore one. To implement such a move, a call was extended to all churches on the peninsula to meet in Baltimore on March 5th for a general consultation as to the course they should pursue. Provision was also made that, in the event the Cambridge proposals were refused, then all churches and circuits, which were in agreement, would apply to be included within the jurisdiction of the Baltimore Conference on condition that it in turn would renounce its allegiance to the General Conference.¹¹

This rising tide of emotionalism amidst the deepening sectional crisis had an adverse effect upon the annual conferences when they assembled in March. Baltimore succumbed to the pressure from radicals who wanted separation, while a less revolutionary approach was adopted by the other two groups. Both East Baltimore and Philadelphia delegates merely passed resolutions protesting the change in Discipline.

⁹ Baltimore, *Sun*, March 12, 1861.

¹⁰ *Ibid.*, March 15, 1861.

¹¹ *American*, January 16, 1861, and the *Sun*, January 16, 1861.

When the Baltimore Conference convened in Staunton, Virginia, in March, a layman's convention also met in the same city to discuss the condition of the Church. Meeting at the same time, the laymen exerted strong pressure on the Conference to assume a more radical position. In discussing the question of slavery, the Business Committee adopted a report which was essentially the one proposed earlier by the Baltimore laymen's convention. They declared that since the General Conference "by its unconstitutional actions" had severed the ecclesiastical ties which bound them to its jurisdiction, they therefore refused to submit to its authority. They went on further to declare that "[we] hereby declare ourselves separate and independent of it, still claiming to be, notwithstanding, an integral part of the 'Methodist Episcopal Church.'" A smaller group of delegates opposed this form of action and advocated the more moderate approach of delaying a decision until a later time. And only then under certain circumstances would they recommend resorting to separation. Nevertheless, despite this opposition, the majority report was accepted by a vote of ninety-one to thirty-two.¹²

In the meantime, the sessions of the Baltimore Conference opened under the direction of Bishop Scott. Almost immediately the Baltimore laymen's memorial and other similar reports were introduced, turning the delegates' attention to the Church's action on slavery. Moderates, who had hoped to keep the convention from following the lead of the earlier laymen's action, counseled delay. In the course of debate, they maintained that sufficient reasons had not been put forth to justify an act of separation and pointed to the fact that the New Chapter was not law. Others counseled delay for fear of committing the greater "sin of schism" and proposed that the Conference merely request the repeal of the new ruling and the transfer of the question of slavery to local jurisdiction. Then, if their demands were not met, they recommended the body should seek peaceable separation.¹³

Those who were determined that some form of action should

¹² *Minutes of the Sessions of the Baltimore Annual Conference* (South), pp. 3-5; *Sun*, March 16-19, 1861; and *American*, March 16-19, 1861.

¹³ *Sun*, March 15-19, 1861, and *American*, March 15-19, 1861.

be taken argued that by being degraded to the "level of promiscuous sinners," they were being denied equality in the Church. Others maintained that there were no Biblical references to slavery as a sin and attacked the New Chapter on scriptural grounds, while some charged that the change made for a new test of membership.¹⁴ During the course of debate, the radical position was considerably strengthened when the Staunton laymen's resolutions were introduced and read to the delegates.

A committee had originally been appointed to attempt to bring the Conference into harmony on the question, but finding itself unable to agree, it was subsequently discharged. Thereupon, a number of compromise plans were introduced in the conclave for consideration. With the exception of the resolutions presented by Rev. N. Wilson, they proposed to delay action on the question for the present. The Wilson proposals, however, called for immediate separation.¹⁵

Before making a final decision, another attempt was made to secure harmony by appointing a committee of six to formulate a plan. But this committee as well reported that it was unable to reach any common agreement. Although it did not accomplish its objective, the group did recommend that the majority, without the concurrence of the minority, adopt a course of action to meet the exigencies of the situation. It also suggested that in order to safeguard the minority, they should be allowed to enter their objection in the minutes and receive their appointments from the Bishop in the usual manner. The majority was also cautioned against imputing the motives of the minority. The report further called for a prohibition of all controversy over the issue in the Church paper, the *Baltimore Christian Advocate*, during the ensuing year.

The first proposal greatly concerned the Bishop, for he did not want to be either committed or bound by the plan. To relieve him of any embarrassment, the delegates unanimously passed a resolution stating that as the presiding officer he was not expected to endorse it. Finally on the 10th day, the paper

¹⁴ *Ibid.*, March 16-26, 1861.

¹⁵ *Ibid.*, March 20 and 23, 1861, and *American*, March 20 and 23, 1861.

presented by the Rev. N. Wilson was voted upon by the convention. On the initial vote eighty-three favored it, while forty-one declined to vote; three voted no; and three declined to vote at that time.

Disapproving of the resolution which called for separation, Bishop Scott read a paper to the assembled delegates in which he declared that the Wilson proposal was "in violation of the order and discipline of the Church, and therefore, is null and void." Therefore, he refused to recognize the action and indicated his determination to proceed with the business of the Conference.

Despite his opposition, the delegates not only severed their ties with the jurisdiction of the General Conference, but also set forth the conditions under which they would again unite with the Church. In the stipulations they called for the abrogation of the New Chapter; the transfer of jurisdiction over slavery to local conferences; and the consignment of a fairer proportion of the Church's periodicals to the supervision of the Baltimore Conference. Although the majority succeeded in severing their ecclesiastical ties with the larger body, the act was by no means a unanimous one. On the final vote eighty-seven favored the action, while only three openly opposed it with forty others declining to vote. In a dissenting opinion, a minority expressed their opposition to the New Chapter, but at the same time indicated that they refused to vote for separation because of its appeal to revolution as a redress without proper consultation with the other conferences. It was also feared that the action would serve to strengthen those members who favored political secession as well.¹⁶

A less radical approach was pursued by the other two conferences which were also meeting at the same time. The East Baltimore group, convening in Chambersburg, Pennsylvania, under Bishop Simpson, was far more temperate in its response to the New Chapter. On the 4th day of the proceedings a memorial dealing with the new rule was introduced and referred to the Committee on Church and State. Two days later the committee presented its report in which it recommended the repeal

¹⁶ *Ibid.*, March 26, 1861.

of the New Chapter and asserted that "there can be no administration under said New Chapter in this Conference." In addition the Committee also proposed:

That we respectfully ask the several Annual Conferences at their ensuing sessions, with a view to the harmony of the whole Church, to give their assent to the following: That the General Conference be and is hereby requested to repeal the Chapter on slavery, and instead thereof empower each Annual Conference, within whose bounds the relation of slavery exists, to make such regulations upon this subject, as in their judgment may best subserve the interests of the Redeemer's kingdom among them.

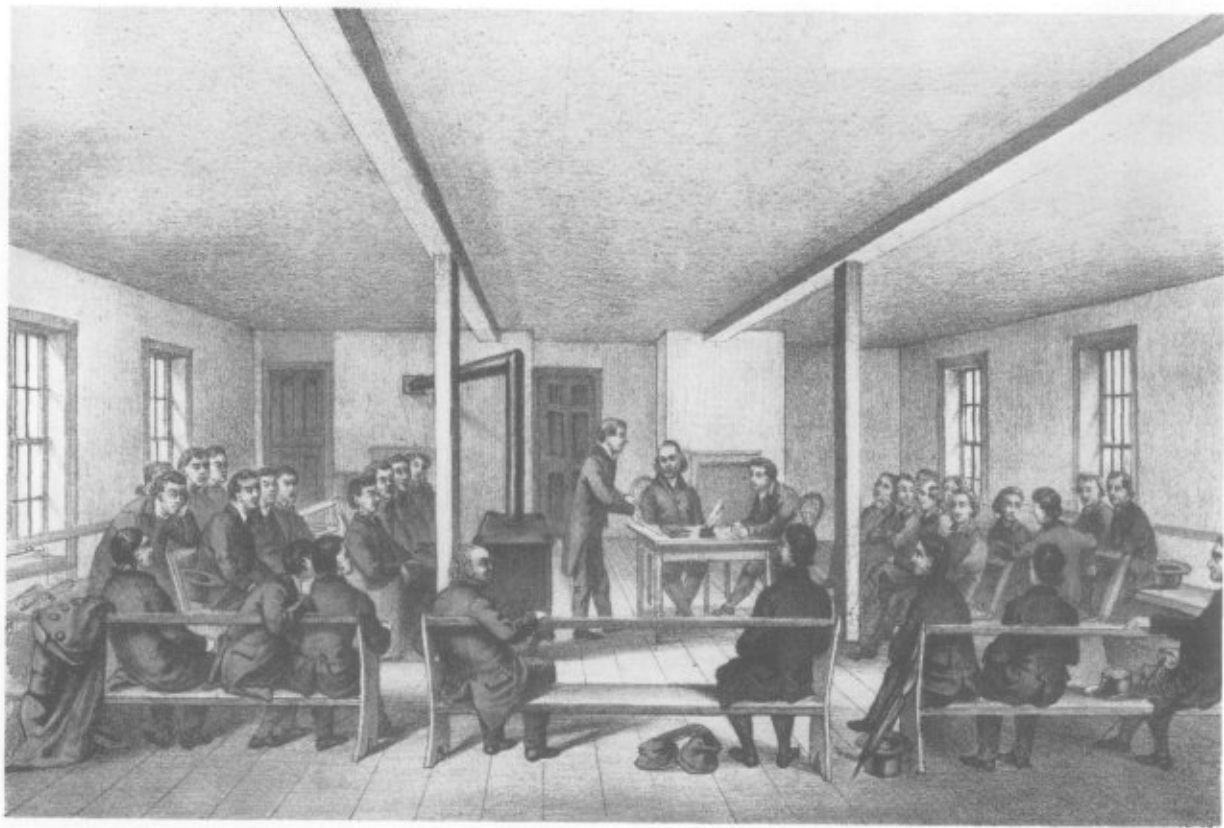
Finally the committee requested the bishops to submit the proposals to the other conferences for their consideration and asked for the convening of a special session of the General Conference in 1862. With this accomplished, the conclave then adjourned without severing its ties as had the Baltimore Conference.¹⁷

The Philadelphia Conference decided to appoint a committee of thirteen to consider the matter and to make recommendations. The committee unanimously recommended concurrence with the East Baltimore resolutions. To those members who resided in slave areas, the group expressed their concern and sympathy over the turmoil created by the change. But they counseled patience and forbearance, for they asserted that in their judgment the New Chapter made for no new test of membership.¹⁸

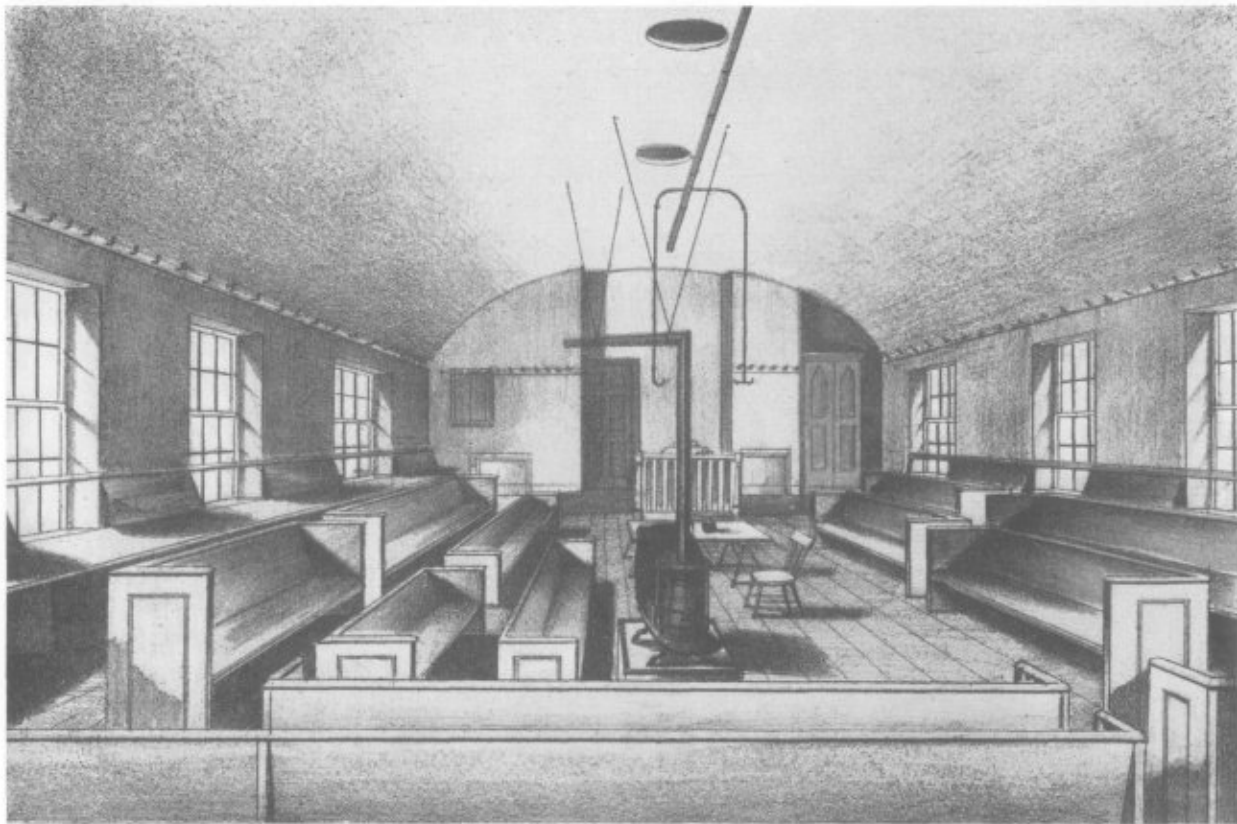
In answer to petitions requesting a division of the Conference and the creation of a new one, the committee declared that these proposals were inexpedient in view of the national crisis and the "conflicting opinion of our churches in Delaware and Maryland on this subject." The Philadelphia delegates did, however, suggest that the various circuits consider the matter and bring their suggestions to the next annual meeting. A separate vote was taken on each of the resolutions embodied

¹⁷ *The Fourth Annual Register of the East Baltimore Conference of Methodist Episcopal Church* (Baltimore, 1861), pp. 26-28; *Sun*, March 21, 1861; and *American*, March 21, 1861.

¹⁸ *Sun*, March 30, 1861. The Philadelphia Conference was the only other group to concur with the East Baltimore Conference. Sweet, *Methodist Episcopal Church and Civil War*, p. 48.



Conference Room of Light Street M. E. Church c. 1800, Lithograph by Hoen after T. C. Ruckle.
Enoch Pratt Library.



Conference Room (1865) of the Light Street M. E. Church located on the Second Floor of the Parsonage. Lithograph by Hoen after a drawing by T. C. Ruckle. Enoch Pratt Library.

in the report, and each passed by large majorities. Then a ballot was taken on the whole and adopted by unanimous decision of the delegates.¹⁹

The period of calm, which had followed the secession of the lower South and had extended through March, was shattered in April with the firing upon Fort Sumter and the subsequent secession of the upper South. The outbreak of hostilities had far-reaching ramifications for Maryland. Being a border state, Marylanders found themselves divided both in their political and religious sentiments. In the case of the Baltimore Conference, religious loyalty was the most immediate and pressing issue in 1862, but, as with the other two groups, political loyalty soon became the most perplexing problem as the controversy over the change in Discipline assumed a secondary role.

Early in March, the Baltimore Conference opened its annual session under the guidance of Bishop Janes in the Light Street Church of Baltimore. With half of its members behind military lines in Virginia and unable to attend,²⁰ the remaining members proceeded to reverse the action taken the previous year at Staunton. Discussion on the matter began almost immediately with the presentation of a paper by the Rev. S. T. Blake. Blake, representing a group of seven who had, in part or whole, supported the Conference's former decision, requested permission to have a paper explaining their present position recorded without debate in the official minutes. He maintained that the statement contained nothing objectionable. Since the group had no way of knowing what the "majority" would do if they were present, Blake believed that this would relieve them from any unforeseen embarrassments.

The request sparked a fiery debate in which it was pointed out that Blake had previously voted for separation. Therefore, some wanted to know what the statement contained before they allowed it to be entered in the minutes. Finally, the paper was read to the convention. In it the seven reaffirmed their approval of the 1861 decision, but in an effort to avoid the appearance of inconsistency, they cited the changed conditions and circum-

¹⁹ *Sun*, April 1, 1861, and *Liberator*, XXXI, No. 15, April 12, 1861.

²⁰ By March, 1862 sixty-six ministers had withdrawn from the Conference and its membership had dropped from 43,581 to an estimated 18,679 members. Sweet, *Methodist Episcopal Church and Civil War*, pp. 49-50.

stances which had arisen since that time in support of their present action. Also having been assured by the minority that they differed only in the method of seeking redress, they deemed "*it expedient to waive the question*" until a later time when the entire Conference could be present and the national crisis abated. But at the same time, they reiterated that they had not changed their minds on the merits of the issue, but in view of "prudential considerations" they agreed to receive their appointments as they had previously.

The statement was subjected to considerable comment and disparaging remarks. Some asked if they repented their former action and acknowledged their error. It was also imputed that they merely came to the Conference by military necessity to receive their appointments. Finally, the paper was referred to a committee for consideration. Objecting to the entire proceedings, the Rev. N. J. B. Morgan proposed a resolution calling upon the Conference to express its unequivocal loyalty to both the Methodist Episcopal Church and the Federal government. He further denounced any attempt to sever this relationship.²¹

The committee considering the Blake paper recommended that since it demonstrated sufficient evidence of the group's willingness to cooperate with the Conference and an acknowledgement of the Church's jurisdiction, there was no necessity in recording it in the minutes. The report was finally adopted but not without arousing strong opposition from those who attacked the group's loyalty.

The committee also suggested the adoption of a resolution stating that those members who had voted for the Wilson proposition at Staunton had withdrawn from the jurisdiction of the Church. This being the case, it was further suggested that a notation of "withdrawn" be entered beside their names on the roll. If, however, any such person should cooperate with the Conference in its next session or would make known to the Bishop his acknowledgement of the Church's jurisdiction, then his previous act would be considered null and void.

In order to clarify the Conference's position, Morgan proposed two amendments. The amendments, which were subsequently adopted as part of the report, pointedly indicated

²¹ *Sun*, March 6, 1861, and *American*, March 6, 1861.

that this action in no way meant approval of the New Chapter but that as a body the delegates would continue to work for its repeal. It was also proposed that the body continue to consider itself morally bound to keep on meeting the claims of those retired ministers who had supported the act of separation, although it was pointed out that technically the act of voting for the Wilson resolutions obviated any such responsibility.

Some members objected to the proposals on the grounds that it expelled members without a trial and without knowing whether they had changed their minds. They preferred to postpone any such decision until the Conference could meet as a whole. But despite this opposition, the main resolution was adopted thirty-four to twenty-two, while the two amendments passed fifty to two and forty-three to zero, respectively.²²

Those members of the Baltimore Conference who were unable to attend because they were behind military lines met at Harrisonburg, Virginia. The Harrisonburg group continued to adhere to the action taken at Staunton, while another group of five ministers, anticipating the actions of the Light Street meeting, refused to take part in their proceedings but assembled in a local merchant's counting room. There, they assumed the position that since the Light Street conclave was being held under the jurisdiction of the General Conference, which still adhered to the New Chapter, this was a bar to their participation; they also saw no reason for either regretting or reversing their former stand. In turning to the question of their existence, they asserted:

What shall be our relation to each other as preacher? We shall continue as heretofore, Brethren in the same church, conference, and cause, and will faithfully stand by each other for our mutual help, as need may require and ability serve. We will also cooperate in all ministerial work.²³

Meanwhile in the city, a group of laymen began to organize an independent Methodist Episcopal Church. With four congregations actually establishing themselves, the five ministers

²² *Ibid.*, March 12, 1862, and *Ibid.*, March 12, 1862. In the following year the Conference re-instated and welcomed back five ministers who had been entered on the minutes as "withdrawn." *American*, March 7, 1863.

²³ *Minutes of the Sessions of the Baltimore Annual Conference (South)*, pp. 7-8.

were accepted as pastors of the new churches. In their declaration of purpose and principles they declared their continued adherence to the Discipline of 1856 and further stated their opposition to the introduction of political questions in their congregations. Concluding their statement, they declared that:

As members of the Methodist Episcopal Church, *independent* of the General Conference of 1860, we shall know no change of the doctrines, principles, or usages of Methodism. All we ask of the Ministry is to confine themselves exclusively to the one work of "spreading scriptural holiness over these lands," and to preach "Christ and Him Crucified."²⁴

In the meantime, the East Baltimore Conference also met in Baltimore. While the Baltimore Conference concerned itself exclusively with church loyalty and passed no resolutions in support of the Federal government, the East Baltimore group centered its attention on political questions. No sooner had the delegates assembled in the church than a stormy debate was precipitated by the presentation of a paper by the Rev. A. A. Reese, who strongly endorsed the Federal government's position in the war. The paper's preamble took note of the outbreak of "fearful rebellion" and the necessity of the Federal government in taking up arms to suppress it. Therefore, Reese proposed that since Article XXII of the Discipline taught that patriotism was a Christian virtue, the Conference should state its abhorrence to "rebellion" as being treasonous in origin and "sanguinary" in

²⁴ *Ibid.*, p. 9. Having no churches, they were forced to utilize public halls until they could establish themselves more firmly. Despite their political disclaimer, they were largely suspected of disloyalty, and critics referred to them as "organized disloyalty." The Union paper, *American and Commercial Advertiser*, in commenting on the group wrote: "If there be any loyal citizens connected with the 'Central Methodist Episcopal Church' they are certainly in such associations as may well form the ground of reasonable doubt of their loyalty. . . . Our deliberate opinion is that there is not one truly loyal man, woman, or child in connection with this so called 'Methodist' Church and that it is composed entirely of the disloyal and discordant Secession element of this city." *Ibid.*, 12-13, and *American*, March 2, 1863.

In the case of one group which had hired a hall in the western part of Baltimore, a government detective appeared and ordered them to display a Union flag before allowing the service to be held. Not having a flag in their immediate possession, one was soon secured and placed in a prominent position while the congregation then proceeded with the service. On another occasion when excitement in Baltimore had become quite tense, the mayor sent a note to the 'Central' organization suggesting that in the interest of their own safety, they not hold services. *Ibid.*, pp. 12-13, and *Sun*, March 19 and 29, 1862 and April 20, 1863.

its progress. The resolutions further recommended the endorsement of the measures adopted by the Federal government, for Reese contended that it was the duty of a citizen to help sustain his government in time of crisis. In defense of the charge of mixing religion and politics, he asserted that "we are not justly liable to the charge of political teaching," for "in the inculcation of loyal principles and sentiments, we recognize the pulpit and press as legitimate instrumentalities."²⁵

A stormy debate followed at the conclusion of the reading of the paper.²⁶ In opposing such action, the Rev. John H. Dashiell²⁷ declared that it was unnecessary for the Conference to go beyond affirming its obedience and submission to Article XXII of the Discipline. He, therefore, offered a substitute in which he recommended that all charges of unchristian principles and conduct against individual members should be reduced to writing; that the Church should confine itself to spreading the doctrines of Christianity; that it should refrain from political controversy; and that it should warn individuals against introducing political issues into their churches.

After additional debate, the Dashiell resolutions were laid on the table and the previous question moved by a vote of ninety to forty-two. The original resolutions were then adopted by a ballot of 132 to fifteen. Those persons who were on trial for full admission were also called upon to record their vote. All in turn did so in the affirmative.²⁸

²⁵ *The Fifth Annual Register of the East Baltimore Conference of the Methodist Episcopal Church* (Baltimore, 1862), 6-7; *Sun*, March 6, 1862; and *American*, March 6, 1862.

²⁶ During the last days of the meeting, the proceedings became so turbulent that Bishop Ames ordered the Conference's doors closed to the public, for the audience had taken to applauding and hissing speakers. *Sun*, March 13, 1862.

²⁷ Dashiell was later charged with tearing down and destroying a Union flag and was ordered arrested by Major General Schenck. The charge arose out of Dashiell's actions on finding a flag displayed in his church and removing it. He strongly denied the accusation that he tore it down or destroyed it, but Dashiell did admit he should have consulted a reliable source before he took the responsibility for removing it. With this explanation and on an oath that he was a loyal man, he was paroled by the military authorities. *American*, March 2, 1863, and Edward McPherson, *The Political History of the United States of America, during the Great Rebellion* (New York, 1864), p. 182.

In 1863, the East Baltimore Conference reviewed Dashiell's case, and at the conclusion of the session he was left without an appointment for the forthcoming year. *American*, March 11-12, 1863.

²⁸ *Fifth Annual Register of the East Baltimore Conference*, pp. 6-7, and pp. 31-33, and *Sun*, March 6 and 10, 1862. Later during the session another attempt was

Members of the Philadelphia Conference, symbolizing their political loyalty, hung a large American flag with the motto, "God and our Country," in front of the church in which they were meeting. Then the delegates opened the sessions with the singing of the "Star Spangled Banner." In the conclave a committee was appointed to investigate the loyalty of its members, and a series of resolutions introduced expressing devotion and loyalty to the Union and favoring the prosecution of the war.²⁹

Much of the heated controversy which had prevailed during the two previous years was lacking in the 1863 annual meetings. But by March much of the enthusiasm in support of the war also had considerably diminished in both the Philadelphia and Baltimore conferences. In both groups resolutions were passed merely calling upon the President of the United States "to appoint a day of national fasting and prayer, that the present civil war be brought to an end and the country be restored to unity, peace and prosperity" without endorsing either the administration or the prosecution of the war. Proposals in support of the government were presented in the Baltimore Conference but tabled by a vote of thirty-seven to eleven.³⁰

Members of the East Baltimore Conference, however, continued to express their loyalty. On the opening day of its sessions, a Union flag was displayed in front of the church, and on the second day a letter from Lincoln, thanking them for their previous year's resolutions of support, was received by the group. Finally before adjourning, they again overwhelmingly reaffirmed their "unflinching devotion to our country, in the hour of peril."³¹

In the following year both the Baltimore and Philadelphia

made merely to reaffirm the Conference's adherence to Article XXII. The move by Rev. Henry Slicer, who had refused to vote on the majority resolutions, precipitated another heated debate. It was, however, squashed by a substitute reaffirming the previous action and indicating that any further action was unnecessary. The minority was allowed to enter an explanatory statement in the minutes in which they explained that their protest should not be construed as impugning their adherence to Article XXII. *Ibid.*, p. 33, and *Sun*, March 12-13, 1862.

²⁹ *Sun*, March 21 and 24, 1862.

³⁰ *Minutes of the Seventy-Sixth Session of the Philadelphia Annual Conference of the Methodist Episcopal Church* (Philadelphia, 1863), p. 48; *Sun*, March 11, 1863; and *American*, March 11, 1863.

³¹ *The Sixth Annual Register of the East Baltimore Conference of the Methodist Episcopal Church* (Baltimore, 1863), 7-14, and *American*, March 5 and 11, 1863.

groups recovered much of their enthusiasm and joined with the East Baltimore Conference in passing resolutions supporting the war and denouncing the "rebellion." The Philadelphia members characterized the war as "causeless in its origin" and "infamously wicked in its objects," while delegates in the Baltimore meeting stated they would "not receive into the Conference, or elect to ministerial orders, either from the local or itinerant ranks, any man of known disloyalty." The Philadelphia members also directed the presiding elders not to use any person who was either pro-slavery or disloyal as supplies.³²

All three groups also began to move into another direction, and in doing so, reversed their former positions on the slavery issue. The shift in Methodist thinking had begun to crystallize by 1864, and in viewing the changing mind of Marylanders on slavery and emancipation, members of the Baltimore Conference were moved to assert that "we believe the time is not distant when the Baltimore Conference will no longer be embarrassed in maintaining the well-known principles of the Methodist Episcopal Church on this subject." Despite strong opposition from some, the Conference endorsed this sentiment by forty-eight to ten.³³

Along with the Baltimore group, the East Baltimore Conference also reassessed its position in view of its 1861 protest against the New Chapter. In reviewing their past position, the delegates maintained that the resolutions had been merely passed to allay the turmoil at the time and not because the new rule was regarded as law. However, in taking note of the recent change in Maryland sentiment, they expressed the belief that the cause for such a protest was no longer present, and therefore, repealed their former action. In doing so, they now stated that:

we recognize with profound gratitude the hand of God, working out by the appliance of the war against rebellion, deliverance to the oppressed, and furnishing us a complete and satisfactory answer

³² *Minutes of the Seventy-Seventh Session of the Philadelphia Annual Conference of the Methodist Episcopal Church* (Philadelphia, 1864), 15 and 44-45; *The Seventh Annual Register of the East Baltimore Conference of the Methodist Episcopal Church* (Altoona, 1864), 40; *Register of the Baltimore Annual Conference, Methodist Episcopal Church, held in Wesley Chapel, Washington, D.C., March 2-8, 1864* (Baltimore, 1864), 29-30; and *Sun*, March 8-9, 1864.

³³ *Register of the Baltimore Annual Conference*, 29-30; *Sun*, March 9, 1864; and *American*, March 9, 1864.

to the long-standing question in our Discipline, "What shall be done for the extirpation of the evil of Slavery?"³⁴

Meanwhile, members of the Philadelphia Conference appointed a committee, composed of one member from each district, to prepare a report on its 1861 action. The report, which was adopted by a vote of 167 to zero, withdrew their concurrence with the East Baltimore resolutions. In reversing their former position, they blamed slavery for creating the war and as being "contrary to the golden law of God." Thus, they went on to declare that "true to our old anti-slavery principles, we do most heartily rejoice in the prospect of the speedy and entire abolition of slavery in this country." In a note of warning to all lay members and ministers, the delegates expressed the sentiment that a pro-slavery position as well as a disloyal one was an error and "that no such man ought to be a religious teacher in our church, and if there be any such, we do hereby request him to withdraw from among us."³⁵

Prior to the annual meetings in the following year, the General Conference assembled in Philadelphia on May 2, 1864. The rising tide of opposition to slavery was even more pronounced in the central body. Seven days after the beginning of the session, a series of resolutions, instructing the committee on slavery to change the rule, were passed. It was suggested that the convention, with a majority of the annual conferences concurring, eliminate the rule rather than merely amending it. It was also recommended that the committee should consider whether an interpretation could be made of the constitutional question: "What shall be done for the extirpation of the Evil of Slavery?" as to exclude and expel slaveholders from the Church.

The forthcoming report, however, did not recommend the rule's elimination but proposed amending the proscription to read: "Slaveholding; buying or selling slaves." A minority opposed such an action for it was felt that it would be improper to change the rule so as to exclude slaveholders from the Church. Therefore, they proposed to substitute the wording: "The sell-

³⁴ *The Seventh Annual Register of the East Baltimore Conference*, 40.

³⁵ *Minutes of the Seventy-Seventh Session of the Philadelphia Annual Conference*, pp. 8, 11, and pp. 49-50.

ing of human beings, or the buying or holding them, except for reasons purely humane," for the majority proposal.³⁶ Despite this reluctance of some to condemn slavery completely, the General Conference did record its distaste for the institution and asserted that "loyalty to the government leads us to accept emancipation" wherever it was proclaimed. They also went on record favoring an amendment to the Constitution which would prohibit slavery or involuntary servitude in the United States.³⁷

Much of the Conference's action stemmed from several factors. The awareness that it would be only a matter of a short time before slavery was abolished made the Church's position obsolete. An awakening conscience, coupled with the awareness that the action would be popular, further helped to move many in support of the action.³⁸

In the following March, the Baltimore Conference, after affirming its loyalty to the Federal government,³⁹ turned its attention to the recent action on slavery. Since the delegates had committed themselves in previous sessions to oppose any change, Rev. Thomas Myers suggested that the body re-examine its position. A committee of five was subsequently appointed to consider the matter. In reporting their deliberations, they unanimously recommended concurrence with the General Conference's proposal. But after a protracted debate, a majority refused to adopt it and defeated it by a vote of forty to twenty-nine.

Seventeen members, in explaining their action, indicated that they took exception to such action in only one particular; "we approve of it *prospectively*, but not *retrospectively*," for they maintained that they did not wish to hold former slaveholders

³⁶ William L. Harris, ed., *Journal of the General Conference of the Methodist Episcopal Church, held in Philadelphia, Pa., 1864* (New York, 1864), pp. 105-106 and 158.

³⁷ *Ibid.*, pp. 264 and 381-383.

³⁸ *Ibid.*, pp. 105-106, and Swaney, *Episcopal Methodism and Slavery*, p. 334.

³⁹ After reiterating their previous decision not to receive anyone of known disloyalty into the Conference or elect such a person to ministerial orders, the Baltimore Conference adopted test questions which were to be asked of all applicants applying for membership.

"Are you, in any degree, in sympathy with the rebellion?"

"Are you earnestly in sympathy with the government of the United States, especially in its present struggle?"

Register of the Baltimore Annual Conference, Methodist Episcopal held in Eutaw Street Church, Baltimore, Md., March 1-10, 1865 (Baltimore, 1865), pp. 20-23.

in any disrespect. Despite the refusal to accept the report, in another series of resolutions the delegates expressed hope that the end of the war would also spell the end of slavery. In keeping with this sentiment, the delegates further congratulated the state of Maryland on her recent adoption of a new constitution which forbade slavery, and they also went on to endorse the passage of a constitutional amendment which would exclude the institution in the remaining states.⁴⁰

Despite the upheaval of war and the adverse reaction towards the New Chapter, Methodist unity survived the crisis intact. While some, such as those who formed an independent organization and those in the southern counties who seceded from the Church, there were no widespread withdrawals from the jurisdiction of the General Conference. The crisis did, however, resolve the dilemma over slavery and removed it as a source of controversy within the Church.

Along with the continued adherence to the General Conference, all three conferences also expressed and affirmed their loyalty to the Union cause but not without difficulties and some reluctance. Such affirmations were by majority action rather than the unanimous sentiment of the whole conference, for behind official statements lay much discontent with the war and sympathy for the South. And consequently with its difficulties and controversies, the Church in Maryland reflected much of the same dilemma which plagued the state during the war period.

⁴⁰ *Ibid.*, pp. 16 and 22-23, and *Sun*, March 2-9, 1865.

THE WRIT OF *AUDITA QUERELA* IN EIGHTEENTH-CENTURY MARYLAND

By C. ASHLEY ELLEFSON

It is self-evident that fundamental to any legal system is a provision for relief from an unjust judgment. The person who was unsuccessful in a civil suit in a court of common law in Maryland in the middle of the eighteenth century had a readily available resort if his suit involved a sufficient amount of money or tobacco: he could enter an appeal or he could sue out of chancery a writ of error. By either action he moved to the next higher court—from the county court to the provincial court and from the provincial court to the high court of appeals, which was composed of the governor and his council. A suitor could appeal from the county to the provincial court if his case involved at least six pounds sterling or 1200 pounds of tobacco, and he could appeal from the provincial court to the high court of appeals if his case involved more than fifty pounds sterling or more than 10,000 pounds of tobacco.¹ Although after 1713 there was no statutory provision for the appeal from the governor and his council to the crown in council,² the appeal to England continued throughout the colonial period.³

If a suitor preferred, he could appeal to chancery rather than to a superior court of common law. After 1712 there was no statutory provision for appeal from either the county court or the provincial court to the chancery court,⁴ but this form of

¹ 1713, c. 4, printed in *Arch. Md.* XXIX, 336-339. For a writ of error see Provincial Court Judgments, Liber E. I., No. 15, pp. 677-680. For an appeal see, H.R. Annapolis, Md. *ibid.*, Liber E. I., No. 9, pp. 79-86.

² The last act to provide for appeal to England was 1712, c. 5 (*Arch. Md.*, XXXVIII, 150-152), which expired in 1713 when it was replaced by 1713, c. 4, printed in *Arch. Md.*, XXIX, 336-339.

³ Carroll T. Bond (editor), *Proceedings of the Maryland Court of Appeals, 1695-1729* (Washington, 1933), vi-vii, 602-603, 618-620, 629.

⁴ The last act to provide for such appeal was 1704, c. 32 (*Arch. Md.*, XXVI., 286-289), which expired in 1712, when the act of 1712, c. 5 (*Arch. Md.*, XXXVIII, 150-152), replaced it.

appeal, like the appeal to England, continued throughout the colonial period.⁵

In an appeal or in an action on a writ of error, however, the appellate court considered only the record of the trial in relation to what had happened before the court of original jurisdiction gave judgment. Sometimes it was desirable that a judgment be vacated because of circumstances that arose after the court awarded that judgment, and to supply that necessity English courts provided the writ of *audita querela*. If the defendant against whom either the provincial court or a county court awarded a judgment did not argue that the court should not have awarded the judgment in the first place but thought that there was some reason why the court should not execute the judgment, he could sue out of chancery a writ of *audita querela*. By this writ the chancellor ordered either the court that awarded the original judgment or the next higher court of common law to hear the complaint of the defendant, who in the action on the *audita querela* became the plaintiff.⁶ The defendant in the action on the *audita querela* was the plaintiff in the original action. The writ of *audita querela* was available only to the defendant in the original action, since if the defendant in that action won his case nothing that happened later would make

⁵ For the mention of appeal from the county court to the chancery court, see Provincial Court Judgments, Liber E. I., No. 7, pp. 53-54, 57-58. For mention of appeal from the provincial court to the chancery court, see *ibid.*, 66, 681-682, 697-699, 699-701. For a record of an appeal from the provincial court to the chancery court, see Chancery Record, Liber I. R., No. 5, pp. 101-124, Land Office, Annapolis.

⁶ Possibly in Maryland the *audita querela* was never directed to the county court. I have not found a case in which the *audita querela* was issued to the county court, and in at least eight cases the *audita querela* was directed to the provincial court although the original action in each instance occurred in a county court. See Provincial Court Judgments, Liber V. D., No. 2, pp. 94-98; Liber V. D., No. 3, pp. 286-288; Liber P. L., No. 7, pp. 438-440, 440-442, 443-445, 445-447, 447-449, 449-451. The laws mentioned in note 7 however make it appear that the *audita querela* could be directed to the county court, and on the pages cited in note 7 Blackstone seems to say that the *audita querela* could be directed to any court of common law. For cases in which the *audita querela* was directed to the provincial court and in which the original action also occurred in the provincial court, see Provincial Court Judgments, Liber W. T., No. 3, pp. 33-36, 43-44; Liber T. P., No. 2, pp. 568-571.

The plaintiff in the action upon the *audita querela* had to give security sufficient to guarantee his prosecution of that writ and to satisfy the original judgment against him if he was unsuccessful in his action on the *audita querela*. The security was given before the chancery court, out of which the suitor sued the writ of *audita querela*. See Provincial Court Judgments, Liber V. D., No. 3, pp. 286-288.

it necessary to vacate the judgment. The action on the writ of *audita querela* was an action in equity, and therefore the provincial court and the county court in acting on it served an equity function.⁷

The defendant against whom the court had awarded a judgment in the original action could sue out a writ of *audita querela* whenever he could allege that after the judgment was awarded something had happened to make the execution of that judgment either unnecessary or unjust. He could sue out the writ of *audita querela* for example if he had sued out a writ of injunction after the court awarded judgment against him and if in spite of that injunction the plaintiff in the original action had sued out a writ of execution—usually a writ of *capias ad satisfaciendum*—against him,⁸ if the plaintiff in the original

⁷ For the writ of *audita querela* in England, see Sir William Blackstone, *Commentaries on the Laws of England* (10th edition, 4 vols.; London, 1787), III, 405-406; Sir William Holdsworth, *A History of English Law* (13 vols.; London, 1903-1952), I, 224, 462; II, 344, 593; V, 230; XIII, 458; John Reeves, *History of the English Law, from the Time of the Romans to the End of the Reign of Elizabeth* (5 vols.; Philadelphia, edition of 1880), III, 258. About the writ of *audita querela* Sir Edward Coke says: "To none of the writs of execution the defendant can plead; but if he hath any matter since the judgment to discharge him of execution, he may have an *audita querela*, and relieve himself that way, but plead he cannot. As if the plaintiff after release unto the defendant all executions, yet in one of these writs he shall plead it, but is driven to his *audita querela*, as hath been said." Sir Edward Coke, *First Institutes* (2nd American edition, 3 vols.; Philadelphia, 1836), III, 404-405.

For laws of Maryland that refer to the writ of *audita querela* as a writ in equity, see 1723, c. 12, *Arch. Md.*, XXXVI, 563; 1763, c. 23, *Arch. Md.*, LVIII, 506. For laws that simply mention the writ of *audita querela*, see 1742, c. 4, *Arch. Md.*, XLII, 390; 1747, c. 1, *Arch. Md.*, XLIV, 627; 1753, c. 2, *Arch. Md.*, L, 272; 1753, c. 22, *Arch. Md.*, L, 338-339; 1763, c. 18, *Arch. Md.*, LVIII, 468.

⁸ Provincial Court Judgments, Liber W. T., No. 3, pp. 43-44. The injunction was sued out of chancery. See Provincial Court Judgment Papers, Box C, 1708-1767, and Provincial Court Ejectment Papers, Box C, 1700-1775.

The writ of execution that the plaintiff in the original action sued out did not have to be a writ of *capias ad satisfaciendum*, but in almost all of the actions that I have found on the writ of *audita querela* he had used that writ. The defendant could make use of the *audita querela* if the plaintiff in the original action sought execution through one of several writs other than the *capias ad satisfaciendum*. These alternative writs include the writ of attachment, the writ of *distringas*, the writ of *elegit*, and the writ of *fiery facias*, all of which Blackstone explains.

The *capias ad satisfaciendum* was a writ by which the court directed the appropriate sheriff to take the defendant and to keep him in prison until he satisfied the judgment against him. For the text of a *capias ad satisfaciendum*, see note 26.

For instances in which it is specified that the plaintiff in the original suit used the *capias ad satisfaciendum* as his writ of execution, see Provincial Court Judgments, Liber W. T., No. 3, pp. 33-36, 362-364; Liber T. P., No. 2, pp. 568-571; Liber V. D., No. 1, pp. 112-114; Liber V. D., No. 2, pp. 94-98; Liber V.

action had sued out the writ of execution even though the defendant had satisfied the judgment against him,⁹ if the plaintiff sued out the writ of execution even though the defendant against whom the court had awarded the judgment had after that judgment was awarded entered into a *supersedeas* to guarantee the payment of the judgment against him,¹⁰ if the plaintiff in the original action had sued out the writ of execution even though he had signed a release after the court awarded him judgment,¹¹ or if the plaintiff in the original action had sued out the writ of execution during that time of the year during which the courts were not allowed to award execution of judgment.¹²

On occasion a suitor used the writ of *audita querela* when an appeal or a writ of error would have been more appropriate. On 19 April 1700 for example John Brannock used the *audita querela* against Nicholas Sporne after Sporne recovered a judgment in the provincial court in a case in which the provincial court allegedly had no jurisdiction since the case involved costs in chancery. After hearing the action on the *audita querela* at their session for April and May of 1700 the provincial justices simply subtracted the costs in chancery from the amount of

D., No. 3, pp. 324-329. For instances in which the *capias ad satisfaciendum* is not mentioned by name in the *audita querela* but in which the wording either of the *audita querela* or of the record of the action makes it clear that the *capias ad satisfaciendum* was used, see Provincial Court Judgments, Liber W. T., No. 3, pp. 43-44; Liber V. D., No. 3, pp. 286-288, 329-331; Liber W. G., No. 1, pp. 568-569; Liber P. L., No. 7, pp. 438-440, 440-442, 443-445, 445-447, 447-449, 449-451; Liber E. I., No. 4, pp. 205-207.

⁹ Provincial Court Judgments, Liber V. D., No. 1, pp. 112-114.

¹⁰ *Ibid.*, Liber V. D., No. 3, pp. 324-329. A *supersedeas* was simply a bond, with sureties, by which the defendant guaranteed payment of the judgment against him.

¹¹ Provincial Court Judgments, Liber V. D., No. 2, pp. 94-98.

¹² *Ibid.*, Liber T. P., No. 2, pp. 568-571. By a law of 1728 the courts could not grant execution between 10 May and the following 10 February (1728, c. 24, *Arch Md.*, XXXVI, 302-303); previous to that time the courts could not award execution between 10 May and 10 November yearly. See 1704, c. 49, *Arch. Md.*, XXVI, 324-325; 1715, c. 33, *Arch. Md.*, XXX, 235-236; 1721, c. 4, *Arch. Md.*, 267-268. The reason that the courts could not award execution during these months is that often men did not have available during that period tobacco with which to pay their debts.

No doubt there were other justifications for the use of the *audita querela*, but these are the ones that appear in the record. I have not mentioned a quite complicated case that involves the use of the *audita querela* following the use of the *scire facias*, because it would require a rather long explanation. I hope to use that case as the basis of a separate article. It appears in Provincial Court Judgments, Liber W. T., No. 4, pp. 14-20.

the original judgment and confirmed the remainder of that original judgment.¹³ A year earlier, John Sheffield in May of 1699 won his action on an *audita querela* that he sued out against Philip Lynes on the grounds that the jury that awarded the original judgment against him included no juror from Calvert County, the county in which Sheffield resided. Sheffield was released from the judgment against him and recovered costs on his *audita querela* from Lynes, the plaintiff in the original action and the defendant in the action on the *audita querela*.¹⁴ It would appear that in the circumstances of either of these cases the appeal or the writ of error would have been more appropriate than the writ of *audita querela*.¹⁵

Sometimes however the justices did refuse to allow an *audita querela* because some other proceeding would have been more appropriate. In April of 1718 for example the provincial jus-

¹³ Provincial Court Judgments, Liber W. T., No. 3, pp. 362-364.

¹⁴ *Ibid.*, 33-36.

¹⁵ In another case in which the appeal or the writ of error would seem to have been more appropriate than the *audita querela* Richard Calvert sued out the *audita querela* against William Taylard after Taylard allegedly obtained judgment secretly in the original suit against Calvert. The secrecy in the original suit is not explained. Calvert was successful in his use of the *audita querela*. The case appears in Provincial Court Judgments, Liber T. L., No. 3, pp. 254-255.

It appears that it was sometimes to the advantage of the defendant in the original action to use the writ of *audita querela* rather than the appeal or the writ of error if he possibly could, since if he used either the appeal or the writ of error and wanted to stay the execution of the original judgment while his appeal or writ of error was pending he had to give security for double the amount of the original judgment. See 1704, c. 32, *Arch. Md.*, XXVI, 286-289; 1712, c. 5, *Arch. Md.*, XXXVIII, 150-152; 1713, c. 4, *Arch. Md.*, XXIX, 336. If the defendant in the original action could seek his remedy through the use of the *audita querela*, however, the execution of the original judgment was automatically stayed, and it appears that in suing out his *audita querela* the defendant in the original action sometimes had to give security only equal to the original judgment and the costs in the case rather than for double the amount of the original judgment. See Provincial Court Judgments, Liber V. D., No. 3, pp. 286-288. I could be wrong here, though, since the wording in the record is unclear. And for a case in which the plaintiffs in the action on the *audita querela* had to give security for slightly more than double the total amount of the damages and the costs awarded in the original actions, see Provincial Court Judgments, Liber V. D., No. 2, pp. 94-98. This action is an unusual one in that only one *audita querela* was used as the basis for the review of two separate original actions. The unusual nature of the action however probably had nothing to do with the amount of security that the plaintiffs in the action on the *audita querela* had to give. In most instances the record does not specify the amount of security that the plaintiff in the action on the *audita querela* had to furnish.

For writs of *audita querela* that specifically mention the stay of execution, though not in these words, see Provincial Court Judgments, Liber W. T., No. 3, pp. 33-36, 43-44; Liber T. P., No. 2, pp. 568-571; Liber V. D., No. 1, pp. 112-114; Liber V. D., No. 2, pp. 94-98; Liber V. D., No. 3, pp. 324-329.

tices did not allow the *audita querela* that John Brannock and Herman Peterson had sued out against Sir Thomas Johnson and Company on 25 February 1715/16, apparently because in the view of the justices the two men should have used a writ of error instead of the *audita querela*. The record does not state the reasons why the justices thought that the plaintiffs should have used the writ of error.¹⁶ During the same session and apparently for the same reason the provincial justices did not allow the *audita querela* that Thomas Edmondson sued out against Daniel Sherwood on 16 April 1717. In this case however the record includes more useful information than in the previous one. Instead of answering to Edmondson's *audita querela* Sherwood entered a demurrer, by which he did not deny what Edmondson alleged in his *audita querela* but by which he did deny that by law he was required to answer it. The circumstances of the case were that at the provincial court for September of 1716 Sherwood had recovered against Edmondson 34,000 pounds of tobacco in an action that he had brought against Edmondson on the basis of a penal bond. The amount of the debt mentioned in the bond was 17,000 pounds of tobacco, while the penal sum mentioned in the bond—the amount that Edmondson promised to pay Sherwood if he did not pay the 17,000 pounds of tobacco on time—was 34,000 pounds of tobacco. In his *audita querela* Edmondson argued that he had always been ready to pay the 17,000 pounds of tobacco and that therefore Sherwood should not have recovered the penal sum from him.

Whenever a party to a case entered a demurrer he had to enter his reasons in justification of it. One of the causes of demurrer that Sherwood entered was that Edmondson's *audita querela* was "grounded merely on a matter of fact which was pleadable before Judgmt." Since the justices allowed the demurrer, apparently they agreed with Sherwood. And since Edmondson was basing his proceedings on a matter of fact that was pleadable before judgment, an appeal or a writ of error, not a writ of *audita querela*, was his proper remedy.¹⁷

¹⁶ Provincial Court Judgments, Liber V. D., No. 3, pp. 286-288.

¹⁷ *Ibid.*, 329-331. For a similar instance see *ibid.*, Liber W. G., No. 1, pp. 568-569. In the case of *John Brannock and Herman Peterson v. Sir Thomas Johnson and Co.*, the defendant also entered a demurrer, but the causes of

By the middle of the eighteenth century even in England the writ of *audita querela*, which according to Sir William Holdsworth originated early in the reign of Edward III,¹⁸ had fallen pretty much into disuse.¹⁹ In the Maryland of the middle of the eighteenth century its use was similarly extremely unusual. There is in fact no record of its use in the provincial court after the 1730s.²⁰

Earlier, however, the use of the writ of *audita querela* was fairly common. In the records of the provincial court from May of 1699 through May of 1724 there are records of eighteen writs of *audita querela*,²¹ although apparently some of these writs were used incorrectly. After 1724, however, the action on the writ of *audita querela* appears in the records of the provincial court only once more during the remainder of the colonial period. That action appears in the record of the provincial court for May of 1738.²²

In the last case in which anyone used the writ of *audita querela* in the provincial court during the colonial period of Maryland, Richard Colegate made successful use of that writ. Colegate's trouble began on 8 September 1733, when he delivered to William Fell for the use of Edward Fell bills of exchange for fifty-one pounds sterling. The bills were drawn on Joseph Adams, a merchant in London. At the same time that Colegate delivered the bills he also signed and sealed a penal bond by which he guaranteed the payment of those bills. The penal sum of the bond—the amount that Colegate promised to pay Fell if Adams did not honor the bills of exchange on thirty days' sight of them—was £102 sterling. Providing a penal

demurrer are not so clear for our purposes as they are in the case of *Thomas Edmondson v. Daniel Sherwood*.

¹⁸ Holdsworth, *History of English Law*, II, 344. Edward III ruled from 1327 to 1377.

¹⁹ Blackstone, *Commentaries*, III, 406.

²⁰ Once again, the writ of *audita querela* might have been used in the county courts, but I have been through a great many of the records of the county courts of Maryland during the eighteenth century and I have not come across one. There are still a very great many county records to go through, however.

²¹ Provincial Court Judgments, Liber W. T., No. 3, pp. 33-36, 43-44, 362-364; Liber W. T., No. 4, pp. 14-20; Liber T. L., No. 3, pp. 254-255; Liber T. P., No. 2, pp. 568-571; Liber V. D., No. 1, pp. 112-114; Liber V. D., No. 2, pp. 94-98; Liber V. D., No. 3, pp. 286-288, 324-329, 326-331; Liber W. G., No. 1, pp. 568-569; Liber P. L., No. 7, pp. 438-440, 440-442, 443-445, 445-447, 447-449, 449-451.

²² Provincial Court Judgments, Liber E. I., No. 4, pp. 205-207.

sum that was double the amount of the debt was the customary practice in the use of the penal bond.²³

Adams did not pay the bills, and at the provincial court for May of 1734 Edward Fell, on the basis of Colegate's penal bond guaranteeing their payment, brought against Colegate an action of debt in which he sued him for fifty pounds sterling. After Daniel Dulany, who was representing Colegate, admitted the debt the provincial justices, in accordance with the usual practice in the action of debt arising upon a penal bond,²⁴ awarded Fell the amount of the penal sum, 102 pounds sterling, rather than the amount of the debt or the amount for which the plaintiff was suing. The justices also awarded Fell 999 pounds of tobacco for his costs and damages.²⁵

In August of 1734 Colegate paid Edward Fell fifty-one pounds sterling and the interest on it, but nevertheless on 9 July 1735 William Fell, who was acting as Edward's factor or attorney in fact and who apparently did not know that Colegate had paid Edward the fifty-one pounds sterling and the interest, sued out of the provincial court against Colegate a writ of *capias ad*

²³ See for example Anne Arundel County Court Judgments, 1740-1742, pp. 382-384, 385-386, 388-89; Baltimore County Court Proceedings, Liber B. B., No. B., pp. 32-34, 45-46, 81-83; Charles County Court and Land Record, Liber H, No. 3, pp. 20-21, 22-23.

According to Blackstone, the large penal sum originally was not so much designed as a punishment for the person who did not pay his debt as it was designed to furnish a way of getting around the laws against usury. Blackstone says: "Thus the penalty of a bond, originally contrived to evade the absurdity of those monkish constitutions which prohibited taking interest for money, was therefore very pardonably considered as the real debt in the courts of law, when the debtor neglected to perform his agreement for the return of the loan with interest: for the judges could not, as the law then stood, give judgment that the interest should be specifically paid." After the taking of interest became legal, various courts placed various constructions on penal bonds, and therefore in the eighteenth century parliament passed laws to provide that if the debtor had paid the creditor the principal and the interest due, or if in court he offered to pay the creditor the principal, the interest, and the costs that the creditor had expended on his suit to that point, the court should not allow the creditor the penal sum. See Blackstone, *Commentaries*, III, 434-435; 4 Anne, c. 16, in Danby Pickering, *The Statutes at Large* (109 vols.; Cambridge, 1762-1869), XI, 157-158; 7 George 2, c. 20, in Pickering, *Statutes at Large*, XVI, 474-476.

Since in the eighteenth century there were still statutes limiting the interest one could receive, it is possible that the penal bond even at that time served to permit the lender to receive more than the legal interest on a loan. See 21 James 1, c. 17, in Pickering, *Statutes at Large*, VII, 275-277; 12 Charles 2, c. 13, in Pickering, *Statutes at Large*, VII, 440-441; 12 Anne, Statute 2, c. 16, in Pickering, *Statutes at Large*, XIII, 118-119.

²⁴ See for example Anne Arundel County Court Judgments, 1740-1742, pp. 384-385, 385-386, 387-388, 388-389; Prince George's County Court Proceedings, Liber K. K., pp. 167, 169; Somerset County Judicial Record, 1752-1754, pp. 39a-40.

²⁵ Provincial Court Judgments, Liber E. I., No. 1, pp. 105-106.

satisfaciendum. By this writ the provincial justices directed Nicholas Maccubbin, the sheriff of Baltimore County, to take Colegate himself in execution of the judgment against him. At the same time that he sued out the writ William also released all of the judgment against Colegate except forty-two pounds twelve shillings and eight pence sterling and the 999 pounds of tobacco for the costs of the suit, and he endorsed an appropriate memorandum to that effect on the back of the *capias ad satisfaciendum*. Maccubbin executed the writ, and when the provincial court met in October of 1735 he reported that he had taken Colegate in execution of the earlier judgment against him.²⁶

On 17 July 1735, however, Colegate, languishing in jail in Annapolis,²⁷ acting through his attorney, Daniel Dulany, and alleging that on 27 August 1734 he paid Edward Fell fifty-one pounds sterling and the interest on it—the fifty-one pounds sterling being more than sufficient to satisfy that part of the judgment that William Fell had not released—, sued out of chancery a writ of *audita querela*. By that writ Samuel Ogle, who was the chancellor as well as the governor of the province at the time,²⁸ directed the provincial justices to inquire into Colegate's claim and to do him justice.

Both Edward Fell and Colegate appeared at the provincial

²⁶ *Ibid.*, Liber E. I., No. 2, pp. 140-141. This *capias ad satisfaciendum* reads: "Charles Absolute Lord and Propy of the Provinces of Maryland and Avalon Lord Baron of Balt^r. &c To the Sheriff of Balt^r. County Greeting We Command you that you take Richard Colegate late of the Said County Planter otherwise Called Richard Colegate Gent if he shall be found in your bailywick And him safe keep so that you have his body before the Justices of our Provincial Court to be held at Annapolis the third Tuesday of October next to Satisfy unto Edward Fell as well the full and Just Sum of One hundred and two Pounds Sterling a Certain Debt by the said Edward against him the said Richard recovered before the Justices of our said Court on the twenty first day of May last whereof he is Convict [as] the Sum of One thousand and forty seven Pounds of Tobacco Costs of Suit hereof fail not at your Peril and have you then and there this writ Witness Levin Gale Esq^r. Chief Justice of our said Court the ninth day of July in the twenty first year of our Dominion &c Annoq: Dom 1735.

(R⁴ Francis)

W^m Ghiselin Clk^r

The costs mentioned in the *capias ad satisfaciendum* are more than the costs of the original suit because they include the additional costs of suing out and of executing the *capias ad satisfaciendum*.

²⁷ Colegate may or may not have been actually in jail. According to the wording of the writ he was, but the wording might have been only a formality. On the other hand, the purpose of suing out the *capias ad satisfaciendum* was to have the sheriff take the defendant himself in execution. The probability is that Colegate was in jail.

²⁸ Donnell M. Owings, *His Lordship's Patronage: Offices of Profit in Colonial Maryland* (Annapolis, 1953), 121, 124.

court for October of 1735 through their attorneys, but at that court and again at the provincial court for May of 1736 Fell imparled. In October of 1736 however Colegate entered his declaration. In it he stated simply that on 7 August 1734²⁹ he paid Edward Fell the fifty-one pounds sterling, the amount that he owed Fell on the unpaid bills of exchange, as well as the interest on that debt. Therefore Colegate requested that the justices discharge him from the execution of the judgment against him. Richard Francis, Fell's attorney, then entered Fell's plea, in which he stated only that Colegate had not paid the fifty-one pounds sterling and the interest on it "in the Manner & form" that Colegate claimed.

When Benjamin Young and John Hicks, two of the provincial justices,³⁰ took the assizes for Anne Arundel County in April of 1738 a jury finally heard Colegate's case against Fell and found that he had paid Fell the fifty-one pounds sterling and the interest on it in the manner and form that Colegate claimed. Therefore when the assize justices returned the record of the trial to the provincial court in May of 1738 the provincial justices discharged Colegate from the execution of the earlier judgment against him and awarded him an unstated amount of tobacco against Fell for his costs in the action upon the *audita querela*.³¹

²⁹ The discrepancy in the dates here is apparently the result of an error of the clerk of the provincial court, William Ghiselin.

³⁰ Provincial Court Judgments, Liber E. I., No. 4, p. 203.

³¹ *Ibid.*, 205-207, This writ of *audita querela* reads: "Charles Absolute Lord & Prop:^{ty} of the Provinces of Maryland & Avalon Lord Baron of Baltimore &c To our Justices of our Provincial Court Greeting of the Great Complaint of Rich^d. Colegate of Baltimore County Gent We have Received That Whereas at A Provincial Court held at Annapolis the third Tuesday of May Edward Fell by Consideration of the Same Court Recovered Against the said Richard One hundred & two Pounds Sterling a Certain Debt being the Penalty of a Writing Obligatory Conditioned for the Payment of fifty one Pounds Sterling & Nine hundred & Ninety Nine Pounds of Tobacco Costs of Suit Whereof he is Convict as Appears of Record & that Altho the Said Richard after the recovery af^d. to wit the twenty Seventh Day of August in the Year of our Lord Seventeen hundred & thirty four at Ann^{ty}: County Satisfied unto the Said Edward the Said fifty one Pounds Sterling and all the Interest thereof Nevertheless the said Edward Fell Contriving & Maliciously Intending him the Said Rich^d. Colegate Unjustly to Vex Execution of the Judgment af^d. Against him the Said Richard P^rsecuteth & him the Said Richard in Ann^{ty}: County af^d. hath Arrested & in Prison keepeth most Unjustly to the Damage & Greif [sic] of the Same Richard Colegate Wherefore the Said Rich^d. Colegate hath Humbly Supplicated us a Proper Remedy for him in this Part to Provide & because we will not that the Said Richard in this Part be Any way Injured And are willing that what is Just

Here was an instance in which it was desirable that a judgment be vacated because of something that happened after the court awarded the judgment. Neither an appeal to the next higher common law court—which in this case was the governor and his council, the high court of appeals—nor an appeal in equity—which in the 1730s would have been to the governor alone sitting as chancellor—³² was possible, since on an appeal the appellate court considered only the record of the trial in relation to what had happened before the court of original jurisdiction awarded its judgment. The same was true of the action on the writ of error. Therefore justice demanded the development of some other method of taking into account facts that arose after the original court awarded its judgment. The writ of *audita querela* served that necessity until the courts through the practice of granting summary relief on motion made it no longer necessary.³³

be Done We Command you that you hear the Complaint of the Said Richard Colegate & that you Call before you the Parties af^d. & hearing their Reasons to the Said Richard Colegate full & Speedy Justice you Cause to be Done as of Right & According to the Laws & Customs of England & this Province [ought to be done] Witness Samuel Ogle Esqe. Our Lieutenant of Our Said Province at Annapolis this Seventeenth Day of July in the twenty first Year of our Dominion &c Annoq Domini 1735.

(D Dulany)

J Ross Reg Cou—"

The writ is written out in Provincial Court Judgments, Liber E. I., No. 4, p. 205. John Ross was the clerk of the council. See Owings, *His Lordship's Patronage*, 136. Since both Colegate and the Fells were from Baltimore County (See Wills, Liber 23, pp. 150-154; Liber 24, pp. 544-547; Baltimore County Original Wills, Box 6, Folder 61.), the only reason that the assizes for Anne Arundel County could try the case was that the issue arose there rather than in Baltimore County. See 1732, c. 1, *Md. Arch.*, XXXVII, 523-530.

³² See Chancery Record, Liber I. R., No. 2, Liber I. R., No. 3, and Liber I. R., No. 4, *passim*. in each.

³³ Speaking in the middle of the eighteenth century, Blackstone says: "But the indulgence now shewn by the courts in granting a summary relief upon motion, in cases of such evident oppression, has almost rendered useless the writ of *audita querela*, and driven it quite out of practice." Blackstone, *Commentaries*, III, 406.

SIDELIGHTS

THE FREE SCHOOL IN PRINCE GEORGE'S COUNTY,

1723-1774

By LOUISE JOYNER HIENTON

DURING THE early years of provincial Maryland, public schools were nonexistent; education of youth was a private matter, left to parents to accomplish according to their means and inclinations. Families sent their children to England for schooling, children of Roman Catholic families often going to France; or they employed private schoolmasters or parents taught their children themselves.¹ But the matter of schools weighed upon the minds of the members of the General Assembly. Sixty-two years after the first settlement was made in the province, and in the same year in which Prince George's county came into being, 1696, under the governorship of the royal governor Francis Nicholson, an act was passed by the General Assembly establishing King William's school at "Ann Arundell Town upon Seaverne River." This act, while it established one school only, looked forward to establishing a second school on the Eastern Shore, and thereafter a free school in each county; this to be done as soon as funds would permit.² But it was not until 1723, after the restoration of the Lord Proprietary's rights, and under the governorship of his kinsman, Charles Calvert, that an act was passed which ordered the establishment of a free school in each county.³

There had been an earlier unsuccessful attempt to start a school in Prince George's county. In 1719 a group of prominent men of the county, namely, Thomas Addison, Esq., the Rev. Jacob Henderson, James Stoddert, Robert Tyler, Thomas Clagett, Doctor Patrick Hepburn, James Haddock and Joseph Belt, as trustees, had purchased lot number 60 in Upper Marlboro, with a house, for the purpose of establishing a public school for youth.⁴ This venture came to nought, perhaps because of the establishment of the free school in the interim, as ten years after its purchase we find these men, or their successors, leasing the property to Dr. James Boswell,

¹ Bernard C. Steiner, *History of Education in Maryland* (U.S. Bur. of Educ. Circular of Information No. 2, 1894), pp. 13-18.

² *Arch. Md.*, XIX, 420-6.

³ *Ibid.*, XXXIV, 740-6.

⁴ Prince George's County Land Records, Liber E, folios 733-8, H.R.

who was to repair the house which had fallen into ruin and decay.⁵

We also have a record of certain private schoolmasters in Prince George's county during the colonial years: Rupert Butler,⁶ Edward Mobberly,⁷ Alexander Mecants,⁸ John Wall,⁹ Benjamin Druit,¹⁰ John Hodges,¹¹ James Henry Shorthose,¹² Joseph Peach,¹³ John Welling,¹⁴ Thomas Thomson,¹⁵ John Hues,¹⁶ Thomas Addington,¹⁷ John Ouchterlony,¹⁸ William Ellis, John Willen, David Price,¹⁹ James Beck, Peter Robinson, Richard Blew, Thomas Harrison, and James Gibson, as well as several servants who were listed but not named.²⁰ There were also several schoolmistresses: Hannah Taylor,²¹ Mary Ann March,²² and Mary Flowers.²³

Of these, we know more about Peter Robinson than the others, as his name appears in the county records frequently. He had been a schoolmaster in England. Desirous of coming to America, and having recommended to George Noble, Esq., he had paid his own passage over and entered into an agreement with Noble to live with him and teach his children, having the benefit of any other scholars he could get. Noble was one of the most respected and influential men in the county; for a number of years he had served as a justice of the county court, advancing to the office of Chief Justice. He was also one of the visitors of the free school. In his family there were five children, three sons and two daughters; they lived on the south side of Piscataway Creek at its junction with the Potomac River, their estate being a part of the Piscataway or Calvert Manor. The arrangement between Robinson and Noble worked very well for several years until Mr. Noble died, whereupon the executors of his estate tried to hold Robinson as an indented servant, but the county court declared him free.²⁴

⁵ *Ibid.*, Lib. M, fol. 427-8.

⁶ Prince George's County Court Records, Lib. B, fol. 353a, H.R.

⁷ *Ibid.*, Lib. H, fol. 33.

⁸ *Ibid.*, fol. 142.

⁹ *Ibid.*, fol. 183.

¹⁰ *Ibid.*, fol. 803.

¹¹ *Ibid.*, fol. 903.

¹² *Ibid.*, Lib. K, fol. 84.

¹³ PGCo. Land Rec., Lib. M, fol. 98.

¹⁴ PGCo. Court Rec., Lib. R, fol. 544.

¹⁵ Black Books, II, 123, H.R.

¹⁶ PGCo. Court Rec., Lib. V, fol. 96.

¹⁷ *Ibid.*, fol. 640; Lib. W, fol. 14, 18-9.

¹⁸ *Ibid.*, Lib. GG, fol. 55.

¹⁹ *Ibid.*, Lib. OO, fol. 539.

²⁰ Black Books, X, 39.

²¹ PGCo. Land Rec., Lib. Q, fol. 707.

²² PGCo. Court Rec., Lib. OO, fol. 539, 574.

²³ *Ibid.*, fol. 578.

²⁴ *Ibid.*, Lib. W, fol. 44-5, 63.

Robinson settled in the community, married Anne Athey, and began rearing a family.²⁵ In an early issue of the *Maryland Gazette*, dated March 25, 1746, the following advertisement appears:²⁶

Reading; Writing, in all Hands; Arithmetic, in whole Numbers and Fractions, Vulgar and Decimal; also Artificial Arithmetic, both Logarithmetical and Logistical, with Instrumental, either by Inspection, Rhabdologia or Proportional Scales; Geometry, both superficial and solid; with Mensurations of all kinds, either in Longometria, Planometria, or Stereometry; as Surveying Fortification, Gunnery, Gauging, &c. Trigonometry, both Plain and Spherical; with Navigation either in Plain, Mercator, or Circular Sailing; also Dialling, all sorts, &c. all ways, either Arithmetically, Geometrically, Projective, Reflective, Concave, or Convex: Cosmography, Coelestial or Astronomical, and Terrestrial or Geographical: Astronomy, Practical, and Theoretical: Grammar: Merchants Accounts, or the Art of Book-keeping; after the Italian Manner: Algebra: Euclid's Elements: &c.

Likewise the Description and Use of Sea-Charts, Maps, Quadrants, Fore-Staffs, Nocturnal, Protractor, Scales, Coggershall's Rule, Sector, Gauging-Rod, Universal Ring-Dial, Globes, and other Mathematical Instruments: Taught at Upper Marlborough Town, in Prince George's County, by

Peter Robinson

N.B. Near which Place Youth may be Boarded.

A few years later he leased the tract "God's Gift," near Piscataway²⁷ and had his mark of cattle, hogs, and sheep recorded: a crop and under bit in each ear, also a hole in the right ear and that hole slit out.²⁸

However, misfortune overtook Peter Robinson and he was sued by Christopher Lowndes & Company for indebtedness.²⁹ He was thrown into jail and stayed there for two years, even though he pleaded that he had three children unable to support themselves, and a wife who, riding to assist him in his confinement, had broken her arm and might never have the use of it again, and that he was willing to surrender everything for his liberty.³⁰

Our knowledge of Peter Robinson ends on a brighter note. After his release from the county prison, he and his wife took in a little neighbor girl as an indented servant, she to serve them until she

²⁵ King George's (Piscataway, St. John's) Parish, Prince George's County, Register, 1689-1801, p. 268, Hall of Records, Annapolis, Md.

²⁶ Also cited in Steiner, *op. cit.*, p. 33.

²⁷ PGCo. Land Rec., Lib. PP, fol. 107.

²⁸ *Ibid.*, Lib. NN, fol. 246.

²⁹ PGCo. Court Rec., Lib. OO, fol. 73, 149.

³⁰ *Ibid.*, fol. 251.

reached the age of 16 years, and they to provide her with "Washing Lodging Apparel & Victuals during the Said Term and also to learn her for to Read."⁸¹

The Act of 1723, which ordered the establishment of the county schools, was entitled "An Act for the Encouragement of Learning, and erecting Schools in the several Counties within this Province." It provided that one school should be erected near the center of each county, at a place convenient for boarding children; it named seven men in each county who were to qualify themselves as visitors by taking and signing the oath of abjuration and the test and by taking the oath of a visitor. These men were to meet four times a year to inspect and direct the affairs of the school. To perpetuate the succession of the number of seven visitors to each school, it provided that if one of the visitors should die or move out of the county, then the remaining visitors were required to elect one of the principal and better sort of the inhabitants of the county in his place. If a man appointed as a visitor refused, or delayed taking on the office, he was to forfeit 500 pounds of tobacco for the use of the school. The visitors were directed to purchase 100 acres or more of land, not more than half of which was to be cleared for the use of the master of the school, the other half to be preserved in woodland. No use was to be made of the woodland except for firewood, repairs and fencing, and no tobacco was to be grown on the land. In case there were not sufficient buildings already on the land when purchased, the visitors were empowered to have such buildings erected. They were to employ a schoolmaster, who was to be a member of the Church of England, a man of pious and exemplary life and conversation, who was capable of teaching grammar, good writing, and mathematics, at a salary of twenty pounds per annum, besides the use of the plantation. The money for the school and its operation was to come out of that already raised for the use of the county schools, which was in the hands of the two public treasurers, the Treasurers of the Western and Eastern Shores, which was to be divided equally among the counties. This was to be supplemented by certain fines, forfeitures and bequests within the county. The visitors were also to employ a register at a reasonable salary, who was to keep an account of their proceedings and of the money or tobacco spent.⁸²

Five years later an act was passed to correct some defects in this act. If any visitors wilfully refused or neglected to be present at the meetings, then others could be chosen to replace them. Also, the

⁸¹ PGCo. Land Rec., Lib. PP, fol. 293.

⁸² *Arch. Md.*, XXXIV, 740-6.

master of a school was required to teach as many poor children gratis as the visitors should require of him.³³

Funds for the use of the schools were collected from various duties or imposts. A tax was imposed on the exportation of skins and furs, at the rate of twelve pence per skin for elk, nine pence for bear, four pence for beaver and deer, three pence for otter, two pence for young bear and cub skins, one penny half penny for wildcats, foxes, minks, wethers, and calves, four pence per dozen for muskrats, and three farthings for raccoons, to be paid by inhabitants of the province, for the use of the schools. The duty was double for non-residents. These imposts were to be collected by the naval officers and turned over to the public treasurers once a year. Non-residents exporting out of the province were to pay, for the use of the schools, an impost of twelve pence per hundred weight for dried beef and bacon, and twelve pence per barrel for pork and undried beef. These two items, pork and undried beef, could not be shipped except in barrels or casks, each containing two hundred weight. Any offender would forfeit his commodities; and a fine of 5000 pounds of tobacco would be imposed upon the master of a ship who knowingly took on such cargo contrary to the law. In each case half was to go for the use of the schools and half to the informer. A person was considered to be a non-resident if he had not owned and lived, with his family if he had one, for at least a year, either on a plantation of at least 50 acres or in a house in a town or port, the house to be not less than 40 by 20 feet with two brick chimneys.³⁴ Over and above a tax already in existence, an additional sum of twenty shillings current money per poll was imposed on Irish servants, except children under the age of 14 years, and on Negroes who were imported into the province. These imposts were also collected by the naval officers for the use of the schools.³⁵ After a time, the duty on furs and skins was repealed and, in lieu thereof, a duty was imposed on pork, pitch and tar, when imported by non-residents with the intent to sell; the impost being one shilling per barrel on pork or pitch, and six pence per barrel on tar for the support of the schools. An offender would lose his commodity, or the full value thereof, half to go to the schools and half to the informer.³⁶

Unfortunately, the only minute book of the free schools which seems to have survived is not from Prince George's, but from Queen Anne's county; however, it gives us some insight into the operation of all the free schools. The visitors employed a register at six

³³ *Ibid.*, XXXVI, 281-2.

³⁴ *Ibid.*, XXVI, 275-8.

³⁵ *Ibid.*, XXXIII, 109-11.

³⁶ *Ibid.*, XXXIV, 730-1.

pounds per annum to take care of the secretarial work. They bought 100 acres of land, had a schoolhouse, dwelling house, kitchen and barn erected on it, and had the pasture fenced in. They employed a schoolmaster who was to teach ten scholars selected by them for twenty pounds current money of Maryland per annum, and in addition such other children of the county as should be brought to him at the rate of 25 shillings or 300 pounds of tobacco per year to be paid by the parents or guardians. They selected the ten scholars "of the foundation," who were to receive their schooling gratis. There is no hint as to the basis for selection of these children, but it would seem that they were not necessarily the children of poor parents, as one lad selected as a replacement was the son of the high sheriff of the county, a man who was also one of the visitors. The parents or guardians of the ten children selected agreed with the visitors that if the children were removed from the school before they reached a sufficient competency of learning, to be determined by the visitors, then they were to pay the visitors at the rate of 25 shillings per annum for the time the children had been in school. At least one girl was admitted to the school to be taught gratis. The visitors sent to England for globes; charts; astronomical, navigating and surveying instruments; for books on astronomy, arithmetic, geometry, trigonometry, geography, navigation, surveying, archeology, and Roman antiquities; also for Greek and Latin classics, both in poetry and prose; and the latest edition of the Cambridge dictionary. From April 1st until September 30th classes were to be from 7:00 to 11:00 in the morning and from 1:00 to 5:00 in the afternoon; from September 30th until April 1st they were to be from 8:00 to 11:00 in the morning and from 1:00 to 4:00 in the afternoon. The exceptions were half a day on Saturdays from May 1st to November 1st, all Saturdays the rest of the year, and all Sundays in the year. There were three vacations, at Christmas from one week before until the day after Twelfth-day, at Easter from Holy Thursday through one week, and similarly at Whitsun-tide.

There were a number of problems which faced the visitors. Frequently their attendance was too small to hold meetings. The public treasurers did not always have sufficient funds for the purpose to pay their orders. There was one instance in which an order for the schoolmaster's yearly salary was presented first to the Treasurer of the Eastern Shore, who lacked the funds to pay it; an order was then presented to the Treasurer of the Western Shore, who also lacked sufficient funds; after another round of orders on each treasurer, which were also turned down, and after a lapse of almost two years, the schoolmaster finally received that year's salary by having the

payment split between the two treasurers. Of the succession of schoolmasters employed, some were good, some were not; some could be gotten rid of easily, some could not. In one case the visitors had to remove the schoolmaster's personal belongings from the schoolhouse and nail the door shut, as the schoolmaster refused to surrender the key.³⁷

Without such a minute book for Prince George's county, there are many things that we do not know about its free school. But a search of the records that do exist reveals some interesting facts.

The seven men appointed by the Act of 1723 as visitors for the school in Prince George's county were the Hon. Charles Calvert, Esq. Governor, the Reverend Jacob Henderson, Robert Tyler, Colonel Joseph Belt, Thomas Gantt, George Noble, and Colonel John Bradford.³⁸ They were among the most respected men in the county. Gov. Calvert's exact relationship to Lord Baltimore is uncertain, but he was acknowledged as a member of the family and accorded all the honor and respect due such a person. He had been sent out as governor of the province in 1720. On November 21, 1722, he was married to Rebecca Gerrard, daughter of the deceased John Gerrard of Prince George's county and his wife Elizabeth, by the Rev. Jacob Henderson, rector of St. Barnabas church in Queen Anne parish.³⁹ The Gerrards had been living at their estate near Queen Anne; and Gov. Calvert and his wife, after their marriage, doubtless continued to maintain a home there. We assume this to be the case since it was required by the Act of 1723 that a visitor of the school be a resident of the county. The Rev. Jacob Henderson was not only the rector of Queen Anne parish but was also the Bishop of London's commissary to the Western Shore of Maryland, and as such was the ranking clergyman of the Western Shore. The other five men had been at one time or another justices of the county court or delegates from Prince George's county to the Lower House of the General Assembly or both, so that, in accordance with the Act, they were among the "principal and better sort of the inhabitants of the county."

On March 15, 1725, the visitors bought from Thomas Ricketts 215 acres of land, being parts of two adjoining tracts, 180 acres of Reyly's Discovery and 35 acres of Major's Choice.⁴⁰ The first named

³⁷ Minutes of the First Free School in Queen Anne's Co., Md., from December 27, 1723 to May 12, 1791, *passim*, Maryland Historical Society, Baltimore, Md. Also cited in *Md. Hist. Mag.*, L (June, 1955), p. 156 n.

³⁸ *Arch. Md.*, XXXIV, 740-6.

³⁹ Queen Anne Parish Record, Prince George's County, Md., 1705-1773, p. 2-Marriages, H.R.

⁴⁰ PGCo. Land Rec., Lib. M, fol. 1-2.

tract was known also as Ryley's (Riley's) Discovery⁴¹ or First Part of Ryly's Discovery;⁴² the second named tract had been laid out for Ninian Beall in 1687 by the name of The Major's Lott⁴³ and Thomas Ricketts had received title to it by that name,⁴⁴ but in deeding it to the visitors he seems to have made a slight alteration in its name. This land lies on the north side of a branch about a half mile north of St. Barnabas church in Queen Anne parish. Just why the visitors purchased a tract of 215 acres instead of 100 acres, as required by law, is a matter of conjecture. Ricketts was living in Anne Arundel county; he had already disposed of some of his land in Prince George's county,⁴⁵ so perhaps was anxious to sell the remainder and offered it to the visitors at a good price.

Several years later Thomas Ricketts brought suit against the visitors claiming that they had promised to pay one hundred twenty pounds sterling for the land, but had paid only one hundred sixteen pounds eight shillings of that amount and still owed him three pounds twelve shillings. The matter was referred by the court to three arbitrators who declared in favor of Ricketts and awarded him the three pounds twelve shillings sterling money plus 356 pounds of tobacco for costs of the suit.⁴⁶

The visitors sued by Thomas Ricketts in 1729 were Rev. Jacob Henderson, Robert Tyler, Joseph Belt, Ralph Crabb, Thomas Gantt, George Noble and Edward Sprigg. Gov. Calvert was no longer a visitor, an indication that he and his wife had given up their home in Prince George's county; and Col. John Bradford was deceased. Ralph Crabb and Edward Sprigg, the two new visitors, were among the men who served the county as justices of the county court and as delegates to the General Assembly, Edward Sprigg being Speaker of the Lower House for several years.

From time to time the *Maryland Gazette* carried advertisements for a schoolmaster for Prince George's county school. These appeared on April 21, 1747; August 20, 1752; September 4, 1766; and January 5, 1769; and in each case were reprinted in several subsequent issues. The first three of these notices were inserted by James Beck, register, and the fourth by Samuel Tyler, register.

The first master of the free school that we know anything about was a man who called himself at the time Congreve, but was later ordained by the Bishop of London under the name of James

⁴¹ *Ibid.*, Lib. C, fol. 77; Lib. E, fol. 522.

⁴² *Ibid.*, Lib. I, fol. 473.

⁴³ Land Records, Lib. 22, fol. 330, Land Office, Annapolis, Md.

⁴⁴ PGCo. Land Rec., Lib. E, fol. 526.

⁴⁵ *Ibid.*, fol. 522.

⁴⁶ PGCo. Court Rec., Lib. P, fol. 288-91.

Colgrave or Colgreve. We learn of this man from a letter which the Rev. Henry Addison wrote to the Bishop of London after hearing of the ordination, as he was not pleased. According to Mr. Addison the man was a native of Ireland, but had lived a good many years in America where he lived a vagrant life, strolling from place to place through most of the colonies. He had been in the army at the Siege of Louisburg; but the war being over, had come to Maryland and was appointed master of the free school of Prince George's county. He had married a wife who left him in a week's time, fearful that her life was in danger from his violences. He was an abandoned drunkard and when drunk an outrageous madman. He remained about five or six months, then, having become deeply in debt, ran away.⁴⁷ Since the Siege of Louisburg took place in 1745, perhaps this man answered the advertisement in 1747.

In 1754 the justices of the counties were asked by the Council to send in a list of the schoolmasters in their county.⁴⁸ The list from Prince George's county still exists and gives the name of the Rev. William Brogden as master of the county school.⁴⁹ Since an advertisement had appeared in the *Maryland Gazette* in 1752 and then not again until 1766, we think it safe to assume that William Brogden was master of the free school from 1752 to 1766.

The Rev. William Brogden was born about the year 1710.⁵⁰ His first induction was as rector to Dorchester parish in Dorchester county, Feb. 28, 1735,⁵¹ where he served until Oct. 22, 1737.⁵² He next served All Hallows parish in Anne Arundel county, July 18, 1739.⁵³ During the gap between October, 1737, and July, 1739, we find that Mr. Brogden was Mr. Henderson's curate in Queen Anne parish in Prince George's county while Mr. Henderson returned to England for a visit;⁵⁴ he, Mr. Henderson, having been given eighteen month's leave for that purpose by Gov. Samuel Ogle, provided he furnish a curate for his parish during his absence.⁵⁵ In 1738, during the time he was serving as curate in Queen Anne parish, the Rev. William Brogden was married to one of his parishioners, Mrs. Sarah Haddock, the widow of James Haddock.⁵⁶ She was the daughter of Richard Marsham,⁵⁷ had been

⁴⁷ William Stevens Perry, D.D., L.L.D., *Papers Relating to the History of the Church in Maryland A.D. 1694-1775*, (Privately printed, 1878), pp. 332-4.

⁴⁸ *Arch. Md.*, XXXI, 37.

⁴⁹ Black Books, X, 39. Also cited in Steiner, *op. cit.*, p. 34.

⁵⁰ *Maryland Gazette*, Nov. 8, 1770.

⁵¹ Commission Book No. 82, 1733-1773, p. 41, H.R.

⁵² *Ibid.*, p. 50.

⁵³ *Ibid.*, p. 76.

⁵⁴ Queen Anne Parish Record, Prince George's County, Md., 1705-1733, p. 58.

⁵⁵ *Ibid.*, pp. 56-7.

⁵⁶ PGCo. Court Rec., Lib. X, fol. 248-9.

⁵⁷ Wills, Lib. 13, fol. 514-20, Hall of Records, Annapolis, Md.

married previously, first to Basil Waring,⁵⁸ then to William Barton,⁵⁹ and was living near St. Barnabas church on the estate which James Haddock had willed to her during her lifetime.⁶⁰

All Hallows parish into which Mr. Brogden was inducted in 1739 was just across the Patuxent River in Anne Arundel county. His wife Sarah probably died soon after, as we find that, on Dec. 24, 1741, the Rev. William Brogden was married to Elizabeth Chapman, daughter of William and Rebecca Chapman of All Hallows parish, and several children were born to them.⁶¹ He continued as rector of this parish until 1751.

Following the death of the Rev. Jacob Henderson, who had been rector of Queen Anne parish from 1717 until his death in 1751, the Rev. William Brogden returned to Queen Anne parish in Prince George's county as its rector, receiving his appointment from Gov. Samuel Ogle on Sept. 11, 1751.⁶²

Two items about him appear in the *Maryland Gazette*. The issue for Feb. 7, 1760, carries the following:

On Monday last a very melancholy Disaster happened in the Family of the Rev. Mr. Brogden. His Daughter, a Child of about 11 or 12 Years of Age, diverting herself with a large hollow Gum, which was used for drawing off Lye, and going backwards before it, as it rolled down a Descent, there happened to be a Clay-Pit in the Way, into which she fell, and the Gum falling upon her from the Height of about 3 Feet, killed her upon the Spot, so that she did not utter a Word. She was a very promising Child, and her unfortunate Death must consequently be a severe Affliction to an indulgent and tender parent.

And in the issue for Thursday, November 8, 1770, this appears:

In Thursday last departed this Life, in the 60th Year of his Age, the Reverend Mr. William Brogden, Rector of Queen-Anne's Parish, in Prince-George's County. He was a Man universally known and respected for his Probity, extensive Knowledge, and for his strict and exemplary Life in his Vocation.—His latter Days were much imbibtered by a Complication of Disorders, under which he laboured for several Years, and to which, at last he fell a Victim.—He left Four Sons and One Daughter.

We know that the Rev. William Brogden was master of the free school in 1754; we think that he took on this job in 1752 and continued in that capacity until 1766, when perhaps he resigned because

⁵⁸ *Ibid.*, Lib. 6, fol. 66-7.

⁵⁹ *Ibid.*, Lib. 3, fol. 643-6.

⁶⁰ *Ibid.*, Lib. 20, fol. 197-9.

⁶¹ All Hallows Parish, AA County, Md., Register, 1685-1858, pp. 21, 41, 44, H.R.

⁶² Queen Anne Parish Record, PG County, Md., 1705-1773, p. 89.

of his ill health. We know also that he was well qualified to conduct a good school, as his training for clerical orders would have necessitated his acquiring a classical education, and so no doubt the visitors were pleased for him to continue as master as long as he would do so.

As early as 1772 there was agitation to unite the free schools of Saint Mary's, Calvert, Charles, and Prince George's counties.⁶³ Petitions were offered for⁶⁴ and against⁶⁵ the proposal; the outcome was an act passed by the General Assembly in April, 1774, entitled "An Act to unite the Free Schools of Saint Marys, Charles and Prince Georges Counties."⁶⁶ This act ordered that, since the free schools of these three counties did not separately afford sufficient encouragement for proper masters, they be sold, the funds consolidated, and one school for the three counties be erected at Cool Springs in Saint Mary's county by the name of Charlotte Hall. The new school was to be governed by a president and 21 trustees, seven of whom were to be residents of each county. The seven named from Prince George's county were Benedict Calvert, the Rev. Henry Addison, Josias Beall, Robert Tyler, Joseph Sim, Thomas Contee and Dr. Richard Brooke.

These men may have been the visitors of the free school at the time. The seven original visitors and the two replacements that we know about were long since deceased. These seven men were equally as prominent in the county. Benedict Calvert was acknowledged as the son of Charles fifth Lord Baltimore,⁶⁷ he had been married to the daughter of Gov. Charles Calvert, and was living at his estate "Mount Airy" in the central part of the county. The Rev. Henry Addison was the rector of King George's parish, on the Potomac side of the county. The other five men were also well known and respected, this Robert Tyler being of another generation than the earlier Robert Tyler.

Except for the sale of the land, this brought to a close the business of the first free school of Prince George's county. An advertisement appeared in the *Maryland Gazette* for September 8, 1774, giving notice of the impending auction of the free school land on the following October 6th. But it was not until five years later, on October 28, 1779, that the land was sold to Singleton Wootton, making final

⁶³ *Maryland Gazette*, Nov. 5, 1772.

⁶⁴ *Arch. Md.*, LXIV, 42.

⁶⁵ *Ibid.*, 116.

⁶⁶ *Ibid.*, 377-9.

⁶⁷ John Bailey Calvert Nicklin, "The Calvert Family, Part III, The 'Mt. Airy' Line," *Md. Hist. Mag.*, XVI (Sept., 1921), pp. 313-4.

disposition of the affairs of the free school of Prince George's county.⁶⁸

With the passing of this school there came to an end the first attempt at public education in the county. No doubt at its inception the free school filled a need, but it suffered from lack of sufficient funds, as did the other county schools, which also came to an end about the same time. It would take a new concept of thinking, under a new government, whereby the rich would be taxed to help pay for the schooling of the poor, before a good system of public education could be developed.⁶⁹

⁶⁸ PGCo. Land Rec., Lib. CC No. 2, fol. 697-8.

⁶⁹ Steiner, *op. cit.*, pp. 42-3.

REVIEWS OF RECENT BOOKS

The Meaning of History. By ERICH KAHLER. New York: George Braziller, Inc., 1964. viii, 224. \$5.

The author of this thoughtful book clarifies that history can be considered as having meaning not merely in the sense of having an aim or end, but that it can also be considered to have meaning in the sense that there is a form, an order, coherence in it, which a comprehending mind can grasp. Dr. Kahler is convinced that history has meaning in the latter of these senses. It is a part of his basic position, also, that history is not merely what is written about the past, not merely the concept of the past as explained by the historian; nor, is it the past actuality of itself, rather, he considers that history is the interaction of both. As man becomes more aware of what he does, sees the order, coherence, the form of what has happened to him, he forms the historical concept of how it fits together. This concept then moves on to become itself history, as it has an influence upon the workings of the world of actuality, which is in turn grasped in the concept of a later historian, and so the process continues.

The author understands the problem which selectivity presents in regard to writing a history of humanity, and he agrees with Karl Popper that it is false to equate political history, the rise and fall of empires, with the history of humanity. But, he will not agree with Popper that a history of mankind would have to be the history of all men, since no one man is more important than any other; he will not say with him that history has no meaning. Instead, Kahler insists that certain individuals are more influential, more crucial than others, that certain peoples are, at particular epochs, more in the center of happenings than other peoples; and that it is possible to find the order and meaning of history.

The second section of the book gives some illustrations of how this interaction has taken place, from the Greeks to the present, and the author's ideas are suggestive and interesting. The book is well written, though it is incorrect to say (p. 188) that the view that history is not a science was first put forth by Heinrich Rickert, on the basis that science is concerned with the general and history with the particular; Aristotle said it many centuries before Rickert.

As to the meaning of history at the present moment, Dr. Kahler sees the human world technically one, but in a state of wildest anarchy; and he sees Western civilization about to conquer the globe, yet showing signs of degeneration in its own domain. If a great conflagration comes, he believes that non-Western peoples have the best chance of survival, not only because of their numbers, but because "their basic human substance . . . is not so spent as ours" (p. 219). So, the meaning of history at the moment is for the West to join with the people of the future, regardless of ideologies to achieve the preservation of human life. Though this conclusion will not seem clear or convincing to some readers, they will find the book as a whole rewarding.

WALTER W. WILKINSON

Georgetown University

The Virginia House of Burgesses 1750-1774. By LUCILLE GRIFFITH.
Northport, Alabama: Colonial Press, 1963. xi, 245. \$7.50

The colonial period in American history has held an enduring interest for us. We are a people of such diverse origins that the myths and mythologies of no nation or continent would equally serve for all. As other peoples boasted their legendary past, Americans felt the need to cultivate the stories of their nation's origins. This has been done according to the prevailing fashions. We have been served by historical accounts that emphasized the struggle between the forces of progress and the "dead hand" of the past. When heroes came into fashion, American colonial history was written from that point-of-view. More recently, the influence of Sir Lewis Namier has been felt and to it historians of America's colonial period have responded with diligence and insight. Professor Griffith early acknowledges her debt to Sir Lewis and sets about a scholarly analysis of Virginia's House of Burgesses using the techniques that he had used earlier on a study of Britain's House of Commons.

By reason of Virginia's role in our Revolution and her dominance in the early decades of our national existence, Virginia's politics have attracted historians. About a decade ago, Charles Sydnor tried to define "political leadership" in 18th Century Virginia; he also described the "political practices" which produced that host of sagacious leaders: Washington, Jefferson and Madison—to name but

a few. At the same time, studies of other colonies have appeared to challenge the older view of a colonial aristocracy that was divided and then displaced by the American Revolution. A new, close study of colonial Virginia was, therefore, not only necessary but timely.

For the quarter-century preceding the Revolution, Professor Griffith set out to describe the structure of Virginia's government, the controversies that affected the operations of that government, the system under which burgesses were elected and the manner of men who were chosen. She has done this with the diligence proper to a doctoral dissertation and with the refinement of style proper to a southern lady. Her study of the voting and tax records has prompted her to conclude that between 55 to 60 percent of the white males were freeholders and could vote. This should put to rest the legend of "disenfranchised masses." In fact, however, the number that did vote was considerably smaller and not unlike the ratios in more recent elections. She could find no party organization although Speaker John Robinson had collected a following which he could occasionally use for political purposes. While the clot of family and business relations did affect Virginia's politics, the name and connections of a Washington or a Carter were no guarantee of victory when it came to electing a burgess. In a reminiscent mood, Landon Carter confided to his diary that he had failed to win an election because ". . . I did not familiarize myself among the people." If Virginia's society had some claims to aristocracy, it was an aristocracy that had to face the judgment and preference of the many when seats in the legislature were to be filled.

There is much in the book for the ordinary reader. The biographical sketches of the burgesses will flesh-out one's views of both these individuals and the texture of the Virginia society. There are a few well-organized statistics for the quantitatively-minded readers. Appended lists give the names of the victorious burgesses and those "who also ran" with the total vote each could attract. The scholar will find a convenient guide and summary that might indeed be used as a model for a similar study of Maryland, though it might be hoped at a somewhat more modest cost.

NICHOLAS VARGA

Loyola College

The Glorious Revolution in America. Documents on the Colonial Crisis of 1689. Edited by MICHAEL G. HALL, LAWRENCE H. LEDER, and MICHAEL G. KAMMEN. *Documentary Problems in Early American History.* General Editor, JAMES MORTON SMITH. Chapel Hill, N. C.: The University of North Carolina Press, 1964. Published for the Institute of Early American History and Culture at Williamsburg. xv, 216. \$2.50.

Colonial Williamsburg, Inc. has sought through its documentary series to bring "the most exciting and crucial episodes" in early American history with something of the original flavor to students and to her readers. The problem method is essential to the endeavor, which in this volume proposes for analysis the uprisings in New England, New York and Maryland upon the overthrow of James II in 1688. The editing establishes the sources of dissatisfaction, the pattern of conflict, and permanent results. A substantial number of the most relevant primary sources are arranged under logical and descriptive topics in each case. While the editing reveals some assumptions, the door is well open to argument, reflection and further investigation. The volume should be of special value to both graduate and undergraduate study.

The documentary items are drawn for the most part from standard published collections. Unpublished material from the papers of William Blathwayt, the Surveyor and Auditor-General of the King's Revenue in America, provide further important knowledge. These selections should awaken interest in a search for other materials.

The device of analysing a social crisis in three disparate colonies is promising in effecting a more unified view of colonial events. Economic distress, though uncertain in its dimension, stands out in all three cases and the policy of the mother country is closely related to it. Fundamental principles of charters and the institutions which they upheld were under attack, even if the attack was not always unified in purpose and party. The career of rebel John Coode in Maryland bears this out. He soon fell out of favor with William and Mary and their agents, and even with his revolutionary collaborators. What primarily triggered all of the rebellions was the overthrow of a monarch whose agents were at the moment experiencing resistance at the hands of colonists. The Americans could thus act decisively to annul the political and economic orders the agents were trying to apply without a monarch to back them up.

The similarity of bids to retain colonial autonomy in Massachusetts and Maryland is not clearly noted. The proprietary colony, like the company colony, was not bound by the statute laws of

England but the royal colony imposed by the rebellion ended this condition in Maryland. When the proprietary control resumed in the eighteenth century, this legal tradition of the earlier days was not recovered.

It is hoped that Mr. Kammen will have the opportunity to do a complete study of the Maryland episode similar to what we have on the other two colonies. What is presented here is clear and discerning, as was his article on this topic in the *Magazine*. Such a study will open the way to another suggested by the title of this book.

THOMAS O'BRIEN HANLEY

Marquette University

Manifest Destiny and Mission in American History: A Reinterpretation. By FREDERICK MERK. New York: Alfred A. Knopf, 1963. x, 266, xii. \$5.95.

That American expansionism in the era of the Mexican War proved enormously important, beyond the obvious importance of the territorial gains, no one can doubt. The politics of territorial status became the focal point of sectional conflict during the 1850's. Since then, historians have debated the overriding impetus behind this push. Frederick Merk, Professor Emeritus at Harvard University, attempts to fix this expansionism in relation to what he considers the true national characteristic of expansionism: Mission; that is, a Mission which was "idealistic, self-denying, hopeful of divine favor," at odds with the prehensile acquisitiveness of Manifest Destiny in 1846, and totally divorced from the Imperialism-Navalism of 1898.

To bolster this argument, Professor Merk presents an account of the high politics of territorial acquisition which dominated the Mexican War years at Washington. In retelling the story of the Polk administration counsels, he makes a valuable contribution by providing much contemporary material from newspapers and other sources. "This book is a study in public opinion. . . . To a greater degree than normal, this study makes use of quotations from editorials," he adds almost apologetically. No apology is needed; perhaps this is Professor Merk's gentle rebuke to younger historians who are less than avid to undertake the dusty but rewarding tedium of newspaper research.

Much of expansionism, both in oratory and in practice, was anything but uplifting, and these unsavory aspects are not slighted here. Yet the more generous concept of Mission maintains itself as the quintessence of the American outlook, despite the perversions of the greedy and the haughty. This sharp separation of the two, the compartmentalization of Mission and Manifest Destiny, is not warranted. Rather than a perversion, Manifest Destiny seems more the natural extension in action of the more defensible Ideological Imperialism, or Mission. The author makes much of the fact that the Manifest Destiny men could not foist their overweening ambition for territory south of the Rio Grande on the nation, and similarly that the Imperialism of '98 soon gave way, shame-facedly, to the Relinquishment of Empire—presumably as Mission reasserted itself. It can be argued, however, that in each case, immediate aims satisfied and secured, the less predatory view grew in importance. Neither case had anything to do with self-denial.

FRANK OTTO GATELL

University of Maryland

William Matthews: Priest and Citizen. By REV. JOSEPH T. DURKIN, S.J. New York: Benziger Brothers, Inc., 1963. vii, 162. \$4.95.

Father William Matthews (1770–1854) was a pastor who advertised the produce from his vegetable garden from the pulpit on Sundays, who refused to pray for the end of a drought because “it’s no use to pray for rain when the wind’s northwest.” He was a business-minded, devoted cleric so beloved by his Washington parishioners that they held the wheels of his coach when he attempted to leave for a post in Philadelphia. This well-endowed son of an old Charles County family, the first native American ordained by Bishop Carroll, pastor of the first Catholic church in the new capital, was an unusual priest.

His biography is perforce many faceted. Briefly tracing the early background of the young seminarian and priest, Professor Durkin concentrates on Father Matthews’ five major activities: the Washington public library, the public schools, Gonzaga College, St. Vincent’s Orphan Asylum and St. Patrick’s parish. On one level, the Washington priest is seen as a model for religious ecumenism, helping to make the capital well-known for its tolerance. On an-

other level as an early day Robert Moses, Father Matthews is shown as a wise real estate investor, a man with dreams and practical plans to improve the cultural life of the citizenry. Finally, as "a minority within a minority," Father Matthews is presented as the effective shepherd. In all of these phases, the author has shown the parallel growth of the man and the new capital as mutually stimulating.

In a period dominated by Jackson, Clay, Webster and Calhoun and clashing national issues, it is instructive to have this well-documented glimpse into early municipal leadership and lesser but significant signs of growth.

DOROTHY M. BROWN

College of Notre Dame of Maryland

Winterthur Portfolio: One. Winterthur, Delaware; The Henry Francis du Pont Winterthur Museum, Inc., 1964. 255. \$9.50.

This handsome volume is the initial one in a contemplated series of annual studies in American arts and crafts to be published by the Winterthur Museum. The first article is devoted to "the arts in America" and it is followed by other contributions on American culture now illustrated in its museum. The first illustration is of the incredibly vast architectural conglomeration that now constitutes the museum and its gardens. This is followed by a history of the Winterthur estate and the first ten years of the Museum.

Some articles are included on the arts and crafts of Maryland—for instance, one on the Schley goblet, an outstanding example of early American glass. It was first acquired by Jacob Schley, an inn-keeper of Frederick. It was made by John Frederick Amelung in his New Bremen Glass manufactory near Frederick about 1790, and it is one of the few examples to survive from the 18th century. There is also an account of C. W. Peale's engravings of the year 1789—the year of national crisis. The long index of contents lists, for example, pewter communion tokens, English hardware, the Windsor chair, John Adams' role in the fine arts, a Gilbert Stuart portrait, the evolution of the Winterthur rooms, and a list of 39 members of the Winterthur staff.

Winterthur is a newcomer in the world of museums. Its collections are famous wherever American arts are known and collected. Its purposes are not generally understood. The intent of this first

number of the *Portfolio* is to present its past history, its program, and the contribution it hopes to make to American studies and useful knowledge.

JOHN H. SCARFF

Baltimore, Md.

Early American Hurricanes, 1492-1870. By DAVID M. LUDLUM.
Boston, American Meteorological Society, 1964. xii, 198.
Paper, \$5; cloth, \$7.

This volume, Number One in the projected series, *The History of American Weather*, covers the period from the voyages of Columbus to 1870, when the U. S. Signal Corps established its storm-warning system and began to build modern weather observing stations. In this impressive study Dr. Ludlum has wisely broken his story at the end of the War of 1812, when the first Federal attempts to institute a national weather observing service were made, since from 1815 on, the task of the meteorological historian was made easier by a growing volume of nationwide observational data. A further convenience to the reader is the geographical division employed: Hatteras North, Hatteras South, and the Gulf Coast.

Aside from the technical data, and the fascinating stories of individual storms, students will find much value in Dr. Ludlum's bibliography and chronological index of early American hurricanes to 1870. A brief look at the index by states shows twenty-two hurricanes for Virginia, nine for Maryland, and thirteen for Pennsylvania. Marylanders remembering some of our more recent storms will be interested in those major ones cited for the state, viz., 1703, 1752, 1769, 1785, 1804, 1841, 1846, 1850, and 1869, but they will also wonder what the thirteen that hit Virginia and the four that hit Pennsylvania did to miss us.

C. A. P. H.

Baltimore, Md.

Tableland Trails: A Periodical Devoted to the History, Folklore and Cultural Interests of the Tri-State Area (Pennsylvania, Maryland and West Virginia). Vol. 2, No. 4. Oakland, Md.; Felix G. Robinson, Fall, 1963. iv, 174. \$5.

The postman recently brought for my perusal this publication devoted to the grass roots history of our two westernmost counties plus two adjoining counties in Pennsylvania and three in West Virginia.

It is a favorite pastime of mine to pick up the previous volumes and learn the intimate details of this historic area. In fact, I find it an interesting complement to the magazine of the Maryland Historical Society, in the pages of which all too seldom appear articles about Allegany and Garrett counties.

As one reads the *Tableland Trials*, one learns many little-known facts about the early explorers and settlers of our Appalachian region of Maryland. There is a parade of unique personages, such as the surveyors, Savage and Winslow, employed by Lord Fairfax to establish the fountainhead of the Potomac River. The marker placed ten years later in 1746 by Peter Jefferson, no longer marks the spot, but a later stone monument is there today near Thomas, West Virginia, for all who wish to see. Then there is John Friend, the first settler in the glades of the Youghiogheny River of Allegany County, now Garrett, and his neighbor Meshack Browning, the hunter, whose exploits could fill a book, and in fact, do just this through the interest of Edward Stabler, member of an old Baltimore family, who hunted with Browning and put his story down on paper. The Indian Nemacolin, for whom a famous trail was named, appears now and again and also Aliquippa, the tragic princess of the Delawares, treated so harshly by our own George Washington. Then there is James McHenry, the brilliant lawyer and statesman of Baltimore, who moved to the glades of Garrett and purchased thousands of acres of land. Mention of McHenry reminds me of McHenry Howard and his cousin, Dr. James McHenry Howard. These worthies spent many summers in Garrett about one hundred years ago, and the diary of their fishing excursions to the Cheat and the Blackwater, supplied to the Editor by Miss Julia Howard of Baltimore, makes fascinating reading.

These are just a sampling of past numbers to whet the appetite of our readers for more of the same brand. However, the volume now under discussion is the success story of a worthy cleric, the Reverend Joshua G. Breuninger, born in an Amish community near Gartner, in Garrett County, whose ambition vaulted beyond the four R's set as a limit of the educational equipment of these

plain people and carried him on to college and theological academy.

Interesting tho' this story is to the many friends of this Parson Adams character whose charming simplicity could have been borrowed from the pages of Fielding's novel *Joseph Andrews*, this reviewer cannot rate this present number on the high level of the previous issues of this noteworthy publication.

CALEB WINSLOW

Baltimore, Md.

The Career of Blondelle Malone in Art and Society, 1879-1951: Enigma. By LOUISE JONES DUBOSE. (Columbia, S. C.: University of South Carolina Press, 1963. Pp. xii, 164, illustrated, \$4).

In copious superlatives from the pages of her letters, diaries, and scrapbooks, which comprise roughly 80% of this slender volume, Blondelle Malone exemplifies many of the worst traits of the post-Reconstruction South's emerging nouveau riche. As a would-be "religieuse" captivated by the paraphernalia of spiritism and fearful of democratizing influences in her church, as a feminist attempting to shake the shackles of Southern social custom and mingle freely with the near-great of European society, and most of all as a self-styled "great talent" seeking recognition in the late Impressionistic school of art, Miss Malone reveals the general restlessness of her milieu, as well as the superficiality of her own character. Happily for the reader, this study in theatrics is occasionally redeemed by remembrances of personalities—such as Walter Sickert, Claude Monet and Auguste Rodin—and such "local color" institutions as debuts and women's clubs.

Louise Jones Dubose, Director of the University of South Carolina Press, has skillfully and charitably woven these bits and scraps of reminiscences into the biography commissioned in Miss Malone's manuscript and financial gift to the University. Scrupulously avoiding the temptation to pass judgment, Mrs. Dubose has confined herself to connective links and background details and skillfully employs her obvious background knowledge, discernment and literary skill on the subject.

JOAN MALONEY

State College, Salem, Mass.

Charles Evans, American Bibliographer. By EDWARD G. HOLLEY.
Urbana: University of Illinois Press, 1963. xii, 343. \$7.50.

Bibliographers are commonly considered necessary drudges whose work, though essential to more imaginative scholars, is remarkable only for the labor it costs. Mr. Wright Howes, among the best of bibliographers as he is of men, has called bibliography "almost the lowest possible form of literary endeavor." However just this denigration may be in the ordinary case, it does not apply to those few choice spirits whose work has such scope and profundity as to be in itself creative. Charles Evans was one of these; and Mr. Holley has both discerned and demonstrated the fact, using to the fullest advantage many unpublished letters and other MS materials.

Evans, an orphan boy of 15 without education or influence, began work as an assistant at the Boston Athenaeum soon after the close of the Civil War. He died in 1935, having spent almost all his waking hours for nearly 70 years in libraries. As a librarian, his profession until 1902, he was a conspicuous failure. Despite his gifts of mind and character, his intransigence and inability to get along with his superiors cost him post after post, first at Indianapolis in 1878, last at the Chicago Historical Society in 1901. Baltimore came in between. Evans arrived here in 1885 as assistant librarian of the new Enoch Pratt Free Library and for a time devoted his immense energies wholeheartedly to the selection, purchase, and cataloging of books by the carload (32,000 in the first year). Soon, however, Evans was embroiled in bitter disputes with the librarian, Dr. Lewis Steiner. By the end of 1886 there was a "complete alienation of feeling" between the two, and Evans's resignation was requested. Perhaps not all the fault was his: a member of the Pratt staff remarked that the trustees should have known a redheaded Welshman and a Pennsylvania Dutchman could never work together.

In his fifties, without money or employment, and with a wife and three children to support, Evans embarked upon his great *American Bibliography*, to which he devoted the rest of his life. He started with only an idea—the descriptive bibliography of all American imprints from the beginning in 1639 until 1820—and a few subscribers willing to gamble cash in advance on a hope that most scholars of the time thought impossible of achievement. The only original subscribers in Maryland were, to their honor, the Peabody Institute and this Society.

Evans never attained his 1820 goal, reaching only into the imprints of 1799; but the twelve quarto volumes he produced—since completed through 1800 and indexed, and soon to be supplemented

—are one of the greatest achievements of American scholarship. Evans single-handedly penetrated, mapped and mastered the unexplored wilderness of two centuries of American printing. Those who come after him are at liberty to cultivate because he pioneered.

EDWARD G. HOWARD

Baltimore, Md.

America: History and Life. A Guide to Periodical Literature.
Santa Barbara, California. American Bibliographical Center.
Vol. 1, Number 1, July 1964.

In historiography today, as in most other fields, a chief problem is retrieval and collation of the information that is published in such immense volume. This new periodical, to be issued three times yearly under the editorship of Eric H. Boehm, does much to alleviate this problem as respects the history and sociology of North America. It surveys and analyzes some 1500 publications, 95% of which are not abstracted elsewhere. A spot check of the abstracts in this first number suggests that they are both accurate and sufficiently detailed to provide much more information than can be expected from an ordinary index.

E. G. H.

BOOKS RECEIVED FOR REVIEW

- The Diary of Charles Francis Adams.* Edited by AIDA DIPACE DONALD and DAVID DONALD. Cambridge: The Belknap Press of Harvard University Press, 1964. Volume I: *January 1820-June 1825*; lxiv, 469. Volume II: *July 1825-September 1829*, index; xi, 514. \$20 set.
- Lincoln's Gadfly, Adam Gurowski.* By LEROY H. FISHER. Norman, Okla.: University of Oklahoma Press, 1964. xvii, 301, \$6.95.
- Benjamin Franklin and Pennsylvania Politics.* By WILLIAM S. HANNA. Stanford, California: Stanford University Press. 1964. x, 239. \$6.50.
- America: History and Life. A Guide to Periodical Literature.* Volume I, Number 1. Santa Barbara, California: American Bibliographical Center, 1964. ix, 190. \$5.
- Upton and The Army.* By STEPHEN E. AMBROSE. Baton Rouge: Louisiana State University Press, 1964. ix, 190. \$5.
- Early American Scientific Instruments and Their Makers.* By SILVIO A. BEDINI. Washington, D. C.: United States National Museum Bulletin 231, 1964. xii, 184. \$1 (paper).
- Rebel Bishop: The Life and Era of Augustin Verot.* By MICHAEL V. GANNON. Foreword by JOHN TRACEY ELLIS. Milwaukee: The Bruce Publishing Company, 1964. xvii, 267. \$4.95.
- The Mighty Revolution: Negro Emancipation in Maryland, 1862-1864.* By CHARLES L. WAGANDT. Baltimore: The Johns Hopkins Press, 1964. xii, 299. \$6.50.
- The Heart is Like Heaven: The Life of Lydia Maria Child.* By HELENE G. BAER. Philadelphia: University of Pennsylvania Press, 1964. 339. \$6.50.
- Sword and Pen for George Washington.* By ALICE CURTIS DESMOND. New York: Dodd, Mead & Co., 1964. xxi, 291. \$4.
- Loyalists and Redcoats: A Study in British Revolutionary Policy.* By PAUL H. SMITH. Chapel Hill: The University of North Carolina Press, 1964. Published for the Institute of Early American History and Culture at Williamsburg. xii, 199. \$5.
- Tumult on the Mountains: Lumbering in West Virginia, 1770-1920.* By ROY B. CLARKSON. Parsons, West Virginia: McClain Printing Company, 1964. 410, \$12.

Southern History in the Making: Pioneer Historians of the South. By WENDELL HOLMES STEPHENSON. Baton Rouge: Louisiana State University Press, 1964. viii, 294. \$7.50.

The Pursuit of Southern History: Presidential Addresses of the Southern Historical Association, 1935-1963. Edited by GEORGE BROWN TINDALL. Baton Rouge: Louisiana State University Press, 1964. xxi, 541, \$8.50.

Maryland in Law and History. By JUDGE EDWARD S. DELAPLAINE. New York: Vantage Press, 1964, 220. \$4.

Knowing Maryland. By WILLIAM TRAMMELL SNYDER. Towson, Md., The Robert V. McCurdy Company. (Revised edition) 76. \$1 (paper).

NOTES AND QUERIES

The Ford Foundation has announced a grant of \$2 million toward the support of the program of the National Historical Publications Commission to make sources of American history publicly available. Plans for the over-all program of the Commission call for additional support by other private sources and government. The Foundation grant is for assistance in completion of papers of the Adams family and of Franklin, Hamilton, Jefferson, and Madison; and for the training of scholarly editors to document the lives of other pivotal figures in American history. The grant is for a ten-year period, and the Foundation said it does not plan further assistance in the field of historical papers.

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The University of Delaware, in cooperation with the *Elutherian Mills-Hagley Foundation*, will award two or more Hagley Museum Fellowships in April of 1965 for the academic years 1965-1967. Recipients of these grants take graduate work in history and related fields at the University of Delaware. In addition, they spend half of each week during the academic year at the Hagley Museum, Wilmington, Delaware, where they receive training in museum work, and at the Eleutherian Mills Historical Library where they conduct research. They complete their work, including a thesis, in two years, and graduate from the University of Delaware with a Master of Arts degree in American history. The program is of special interest to those who wish to study the development of American industry and technology. Each fellowship carries an annual stipend of \$2,000, and is renewable upon satisfactory completion of the first year. Applications should be received by March 5, 1965. For further details, address

Chairman, Department of History
University of Delaware
Newark, Delaware

National Trust for Historic Preservation—A two-week seminar for historic museum associates will be held February 7 to February 20, 1965, at *Woodlawn Plantation Mount Vernon*, Virginia, which is located on part of the original Mount Vernon estate.

The seminar, which is limited to 14 persons who are housed at the mansion during the program, is primarily designed to provide paid staff and volunteer workers of historic house museums and other organizations with an opportunity to discuss problems of museum function and administration. In addition to attending scheduled discussions at *Woodlawn*, participants will also visit the Library of Congress; White House; Smithsonian Institution laboratories and Decatur House, another property belonging to the National Trust all in Washington, D. C. In nearby Virginia, the group will make special tours of sites of historic interest. Among them, Old Town in Alexandria, the Custis-Lee Mansion, Gunston Hall and Mount Vernon will be visited as well as an all-day excursion to Annapolis. On the weekend, the group will travel to Winterthur, in Delaware and Ephrata Cloisters and the Landis Valley Museum, in Pennsylvania.

The course which is being offered for the third year, will include lectures by members of the staffs of the National Trust, Smithsonian Institution, the National Park Service, the National Gallery of Art and other organizations in the Washington area. The orientation meeting will be followed by a discussion of "The Organization: Governing Bodies and Staff," led by Robert R. Garvey, Jr. Executive Director of the National Trust. A slide lecture on historic Alexandria will be given by Carroll Lindsay, Curator of the Smithsonian Institution's Museum Service. Malcolm Watkins, Curator of the Division of Cultural History, Museum of History and Technology, will discuss "Curatorship" and Robert Widder, exhibits specialist, will speak on "Installation." James Ketchum, Curator at the *White House*, will supervise a tour through the Executive Mansion for the participants. Miss Margaret Boutin, Associate Curator in charge of educational work at the National Gallery of Art will lecture on "Youth Programs." During their visit to *Mount Vernon*, the conferees will study "Registration Methods and Accessioning Policies" with Mrs. Helen M. Fede, Curator. Other subjects to be discussed on the program will include Preservation Law; Interpretation; Public Relations and Publicity; Research; Conservation, Preservation and Maintenance. A slide lecture on American architecture will be given by William J. Murtagh, director of the National Trust's Department of Education, who is also coordinator of the conference at *Woodlawn*.

The tuition fee of \$95. includes course registration, tour transportation, room and meals (except those on weekend tour), and entry to exhibition buildings. Further information may be obtained from Dr. Murtagh, 815-17th Street, N. W., Washington, D. C. 20006.

The National Trust, a non-profit, non-governmental, educational organization, is primarily devoted to encouraging public participation in preservation of our country's landmarks. It is also empowered by its Congressional charter, granted in 1949, to receive, administer and preserve donations of sites, buildings, and objects significant in American history. *Woodlawn Plantation*, the site of the conference, is a National Trust property.

Parker Genealogical Prizes—Entries for the annual Dudrea and Sumner Parker Contest must be received at the Maryland Historical Society on or before December 31. Designed to promote the preparation of family records and their deposit with the Society, these prizes are awarded to the papers that most clearly and thoroughly represent the genealogies of families that originated in Maryland or are closely allied with the State. All material submitted should be typed, logically arranged, and, if possible, indexed. All entries become the property of the Society and should be addressed to Mr. John D. Kilbourne, Librarian.

Wherrett—I desire the names of parents of James H. Wherrett, born 1797 either in Baltimore or in St. Mary's County, Md. He married Mary Zachery (may have been second wife) in Baltimore April 25, 1833, and died there July 13, 1851.

W. N. Wherrett
RD1, Box 39-A
Easton, Md.

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